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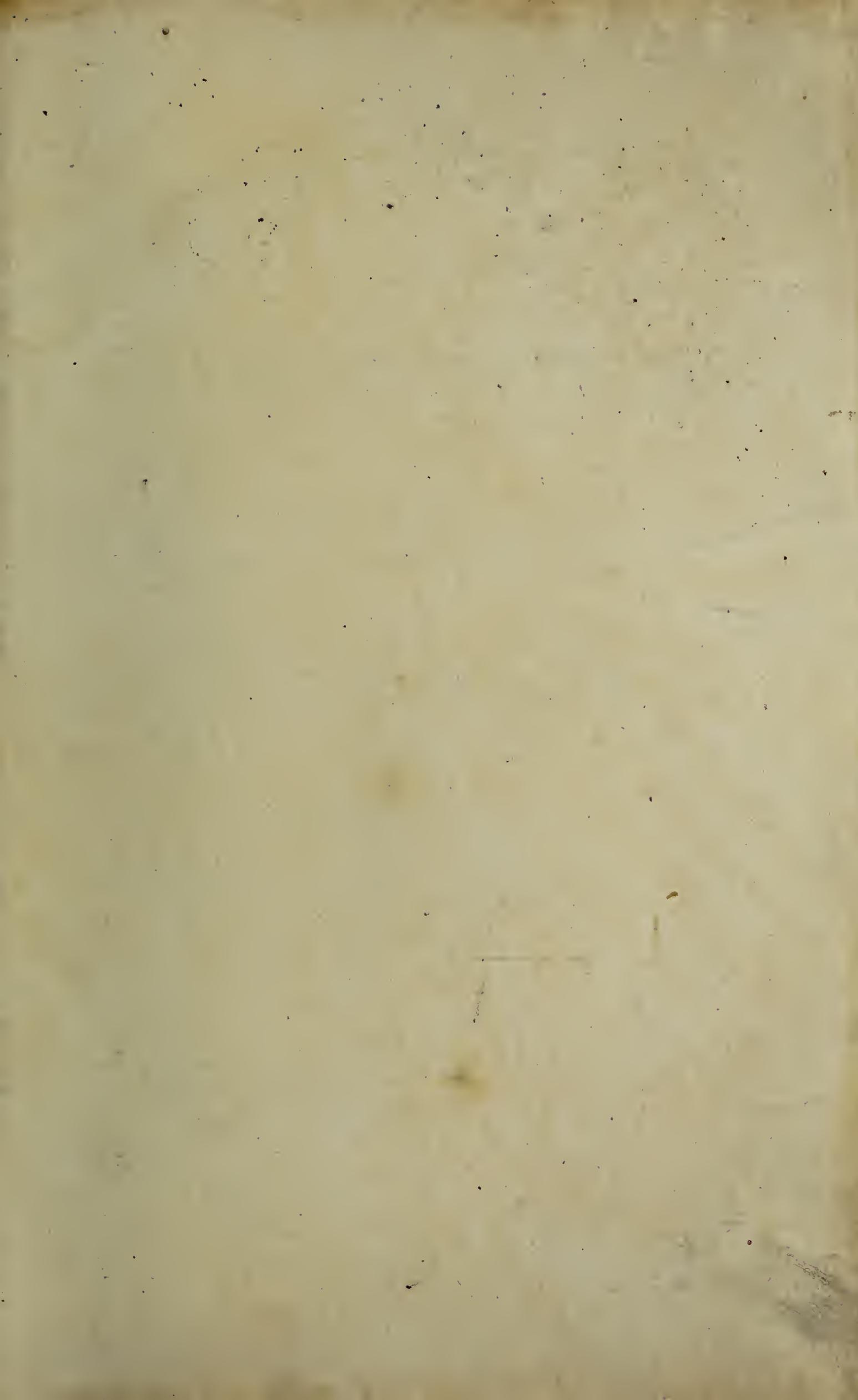
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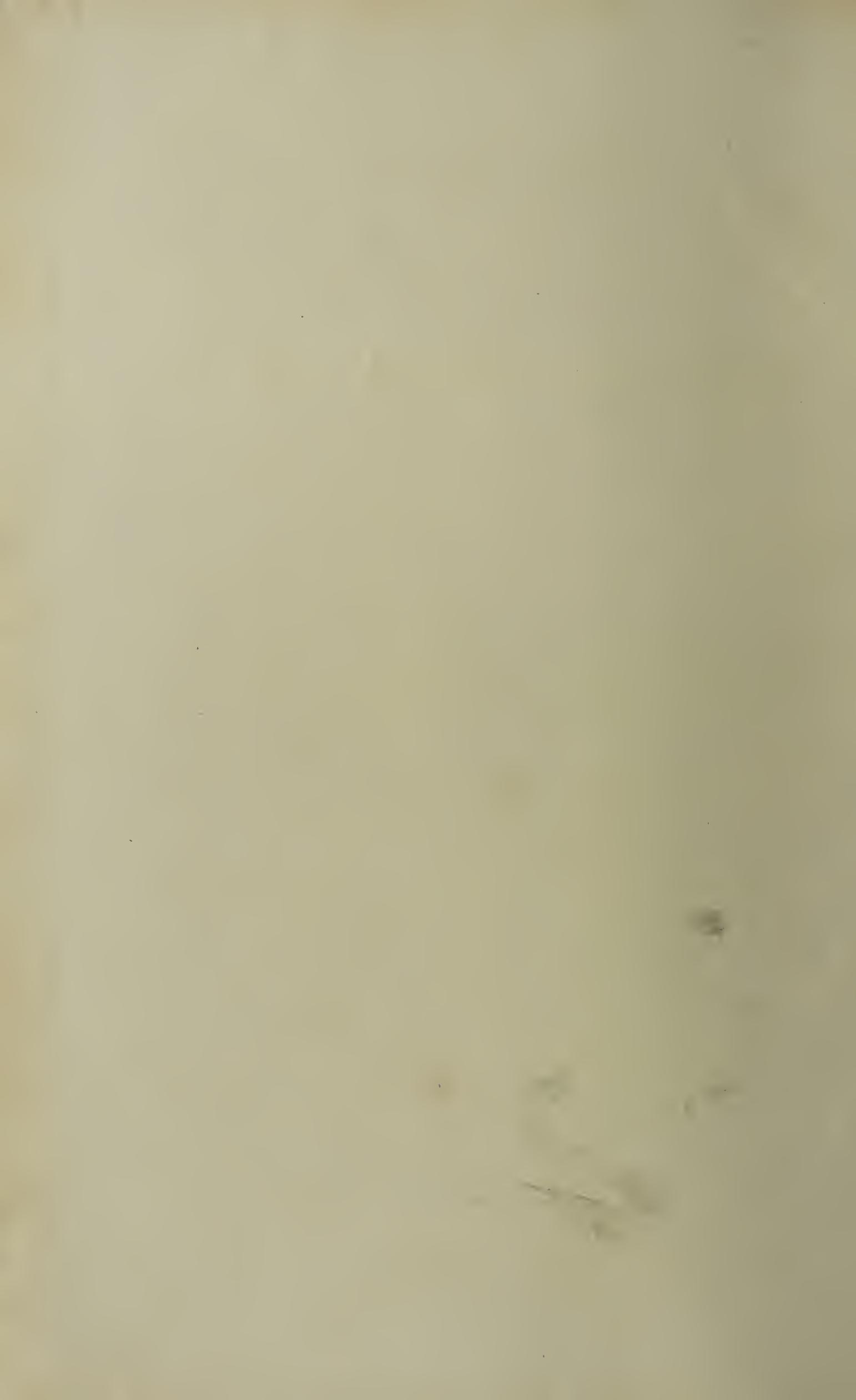
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ILLINOIS HISTORICAL SURVEY





CHARTER  
AND  
REVISED ORDINANCES  
OF THE  
CITY OF CAIRO,  
WITH AN

APPENDIX CONTAINING THE GENERAL STATE LAWS  
APPLICABLE TO ALL TOWNS AND CITIES, &c.

REVISED BY  
O'MELVENY & HOUCK,  
ATTORNEYS AT LAW,  
UNDER DIRECTION OF MESSRS. WINTER, MORRIS AND MILLER,  
SPECIAL COMMITTEE APPOINTED BY THE CITY COUNCIL.

PRINTED AND PUBLISHED BY AUTHORITY.

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# PART FIRST

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## CHARTER.

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### ARTICLE I.

#### CITY AND WARD BOUNDARIES.

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*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

SECTION 1. That the district of country in the county of Alexander, and State of Illinois, in township seventeen (17) south, range one (1) west of the third principal meridian, embraced within the limits of the city of Cairo and of the first addition to the city of Cairo, as the same are laid out, platted and recorded by Messrs. Thomas S. Taylor and Charles Davis, trustees of Cairo city property; and also the district lying and being between the districts covered by said recorded plats and the middle of the main channels of the Ohio and Mississippi rivers, be and the same are hereby erected into a city, by the name of the "City of CAIRO."

SEC. 2. The inhabitants of said city shall be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Cairo," and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure. The inhabitants of said city, by the

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name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to take, purchase and hold property, real and personal, within or without the limits of said city, for the use of the inhabitants thereof; and to sell, lease, convey and dispose of property, real and personal, for the benefit of the city; and to improve and to protect such property and to do all other things in relation thereto as natural persons.

SEC. 3. The city of Cairo shall be and is hereby divided into four wards, as follows:

*First.*—All that part of the city which lies south and east of the centre line of West Seventh street, and south and east of that line produced to the middle of the main channel of the Mississippi river, and south and east of the centre line of Seventh street, and south and east of that line produced to the middle of the main channel of the Ohio river, shall be and is hereby established as, and denominated the “First Ward.”

*Second.*—All that part of the city which lies between the First Ward, as herein and hereby established, and the centre line of Twelfth street, and that line produced to the middle of the main channel of the Ohio river, shall be and is hereby denominated the “Second Ward.”

*Third.*—All that part of the city which lies between the Second Ward, as herein and hereby established, and the centre line of Seventeenth street, and that line produced to the middle of the main channel of the Ohio river, shall be and is hereby established as, and denominated the “Third Ward.”

*Fourth.*—All that part of the city which lies between the Third Ward, as herein and hereby established, and the centre line of Thirty-fourth street, and that line produced to the middle of the main channel of the Ohio river, shall be and is hereby established as, and denominated the “Fourth Ward.”

SEC. 4. The City Council shall have the power to alter the boundaries of the wards of the city, and may create additional wards and fix the boundaries thereof, as they may see fit—in these changes regard being had to the number of white inhabitants, so

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SECTION 1. There shall be a City Council, to consist of a Mayor and Board of Aldermen.

SEC. 2. The board of aldermen shall consist of twelve members, to be elected as hereinafter provided and to hold their offices for two years and until the election and qualification of their successors.

SEC. 3. No person shall be an alderman unless, at the time of his election, he shall have resided six months within the limits of the city, and for ten days in the ward for which he shall be elected, and shall be, at the time of his election, twenty-one years of age, a freeholder in said city, and a citizen of the United States.

SEC. 4. If any alderman shall, after his election, remove from the ward for which he is elected, or shall cease to be a freeholder in said city, his office shall be thereby vacated.

SEC. 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of those of the second class at the expiration of the second year; so

that half of the board shall be elected annually, and one of these from each ward.

SEC. 6. The city council shall judge of the qualifications, elections and returns of its members, and shall determine all contested elections.

SEC. 7. A majority of the city council shall constitute a quorum to do business; but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member; but, if such alderman be re-elected to fill the vacancy occasioned by his expulsion, he shall not be again expelled for the same offense.

SEC. 9. The city council shall keep a journal of its proceedings, and publish the journal of the proceedings of each meeting, within one week after the holding of the same; which publication shall be made by printing in some newspaper in said city having the largest circulation therein, or by posting written or printed copies of the said journal, for one week, in four of the most public places in said city. The "ayes" and "nays," when demanded by any member present, shall be entered on the journal of proceedings.

SEC. 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

SEC. 11. All vacancies that shall occur in the board of aldermen, shall be filled by a new election, to be provided for by ordinance.

SEC. 12. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their office, to the best of their skill and abilities.

SEC. 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor,

who shall determine the same by lot, in the presence of the board of aldermen, or in such manner as shall be provided by ordinance.

SEC. 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance, and the mayor or any two aldermen may call special meetings, by giving written notices to each of the members of the council, served personally or left at their usual places of abode.

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16. Absence or death of Mayor.
17. In case of non-attendance of Mayor at meeting of Aldermen; who shall preside.
18. His powers to demand books and papers.
19. In case Mayor is guilty of non or malfeasance in office.
20. Who eligible for office in City.

SECTION 1. The chief executive officer of the city, shall be a mayor, who shall be elected by the qualified voters under this act, and shall hold his office for one year, and until his successor shall be elected and qualified.

SEC. 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States and a freeholder in said city.

SEC. 3. If any mayor shall, during the time for which he shall

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have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be thereby vacated.

SEC. 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

SEC. 5. Whenever an election for mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election to be provided for by ordinance.

SEC. 7. The mayor shall, before he enters on the duties of his office, in addition to the usual oath, swear or affirm: "That he will devote so much of his time to the duties of his office, as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the city council, and shall take care that the laws of the State and ordinances of the city are duly enforced, respected and observed within the limits of the city, and that the other officers of the city discharge their respective duties. He shall from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city. He shall receive such salary as may be fixed by ordinance, not exceeding five hundred dollars, and shall countersign all warrants or orders for the payment of money, drawn on the city treasurer, in pursuance of any city ordinance.

SEC. 8. There shall be a city clerk, city treasurer, city marshal, city attorney and city engineer; who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of a majority of the city council, and to perform such duties as may be prescribed by ordinance. Such bonds to be given by these and all other officers, as the city council may direct.

SEC. 9. The city clerk, city attorney, city marshal, city engineer

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and city treasurer, shall be appointed by the city council, and they shall hold their offices for one year, and until their successors are duly elected and qualified : *Provided*, the city council may provide for the election of all or any of them by the qualified voters under this act.

SEC. 10. The city clerk shall keep the corporate seal, and all records, papers and books of the city, not properly belonging to any other office. He shall attend all meetings of the city council, and keep a full record of their proceedings, and shall cause the same and all ordinances to be published, as required by law. He shall, likewise, draw all warrants on the treasurer, in pursuance of any ordinance of the city council.

SEC. 11. The city attorney shall attend to and perform all professional services incident to his office ; and, when required, shall furnish written opinions upon questions and subjects submitted to him by the mayor or the city council, or its committees : *Provided*, however, that the office of city clerk and city attorney may be vested in the same person.

SEC. 12. The city treasurer shall receive and keep the money of the city, and pay out the same on warrants drawn in pursuance of city ordinances, and shall keep his accounts of receipts and expenditures in such a manner as to show the exact state of the accounts of the city ; which accounts shall always be open to inspection and examination by the mayor or any member of the city council.

SEC. 13. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines and forfeitures. He shall possess the power and authority of a constable by common law or the statutes of the State, and receive like fees : *Provided*, that for services rendered under any city ordinance, he may be allowed by ordinance double the fees of constables.

SEC. 14. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city, to make out plans and estimates therefor, and to contract for the execution of the same, and to perform all surveying and engineering

ordered by the city: *Provided*, however, such plans and contracts shall be first approved by the city council, or they should not be valid.

SEC. 15. The mayor, and all other officers of the corporation, shall reside within the limits of the city during their continuance in office; and if the mayor of the corporation shall cease to reside within the limits of the city, his office shall be thereby vacated.

SEC. 16. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be the mayor, *pro tem.*

SEC. 17. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own members chairman, who shall preside at that meeting.

SEC. 18. He shall have power, whenever he may deem it necessary, to require of any of the officers of the said city, an exhibit of his books and papers.

SEC. 19. In case the mayor shall, at any time, be guilty of palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, misconduct, or partiality in the discharge of the duties of his office, he shall, in addition to the penalties already imposed by law for like offenses, be liable to be indicted in the court of common pleas of the city of Cairo, and, on conviction, he shall be fined not more than one hundred dollars; and the court shall have the power, on recommendation of the jury, to add to the judgment of the court that he be removed from office.

SEC. 20. No person shall be eligible to any office in said city, who is now or may hereafter be a defaulter to said city or to the State of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession by virtue of his office; and if any person holding any such office or place within the city, shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

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7. Who shall vote.
8. No Election to be held in grog-shop.
9. No person to be arrested on civil process on Election day; Illegal Voting, how punished.

SECTION 1. There shall be a mayor and twelve aldermen elected by the qualified voters of said city, under this act; said aldermen to be apportioned among the several wards according to the number of white inhabitants in each; said number to be ascertained in the manner hereinafter provided; and the aldermen for each ward to be chosen within the same by the qualified voters thereof.

SEC. 2. It shall be the duty of P. Corcoran, J. P., Bryan Shannessy, J. P., and Robert E. Yost, police magistrate, of the town of Cairo, or any one of them, in case of the death, removal or refusal to act of the others, to make or cause to be made an enumeration of the white inhabitants of each ward, and to make a return of the same to the acting board of trustees of the town of Cairo, within thirty days after the passage of this act. The said persons, before entering upon the duty of taking such enumeration, shall take an oath before any officer qualified by law to administer oaths, faithfully and correctly to take the same, and certify and make return thereof to the acting board of trustees; said certificate, when returned, to be filed with the clerk of said town of Cairo.

SEC. 3. It shall be the duty of the board of trustees, within five days after the return of the enumeration shall be made, to make the apportionment of aldermen to the several wards, according to the enumeration of each ward, and immediately thereupon to give notice, provide for and order an election for mayor and aldermen; and in

case the said board shall fail so to do, then it shall be the duty of the persons herein appointed to take the enumerations, or any one of them, to apportion the aldermen and order an election as above. The persons who shall take the enumeration, shall be paid a reasonable compensation for their services, to be allowed by the council, and paid out of the town treasury.

SEC. 4. The first election to be held for mayor and aldermen, under this act, shall be held in the same place as the last general State election, and shall be conducted by the same judges and in the same manner, except as to qualifications of voters, as state general elections are now conducted, and tie votes determined in the same manner; ten days' public notice to be given of said election, by posting up written or printed notices in three of the most public places in said city. Instead of returns being made as for general elections, the judges of the election, or a majority of them shall, within forty-eight hours after the closing of the polls, make out and deliver to those candidates having the highest number of votes, or those otherwise determined by the judges of election to be by law elected, certificates of their election, and also a list of the aldermen elected to the person elected mayor; and within twenty-four hours after the delivery of such certificate of his election and list to the person elected to the office of mayor, he shall notify the aldermen to meet at some convenient place; and in case of his failure to do so for forty-eight hours, one of the judges of election shall notify the mayor and aldermen so to meet. After a majority of the aldermen have met together, organized for business and so notified the judges of election, said judges shall make returns of the election to the said city council. At this said first election the judges shall provide four ballot boxes, answering to the four wards of the city, numbered from one to four, in which shall be deposited the ballots from each ward, respectively, according to the wards in which the voters reside.

SEC. 5. All subsequent elections shall be held in such places and at such times and in such manner as the city council may appoint, of which ten days' previous public notice shall be given by the city clerk, by written or printed notices, in three public places in each

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ward, or by publication in the newspaper publishing the ordinances of the city.

SEC. 6. The manner of conducting and voting at the elections held under this act and contesting the same, the keeping the poll lists, canvassing the votes and certifying the returns shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council have power to regulate elections, and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of the general election. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the city clerk, within three days after the election; and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons, elected or appointed to office, of their election or appointment, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.

SEC. 7. All white male residents of said city, over the age of twenty-one years, shall be entitled to vote at all elections under this act, who may have resided six months therein, or who shall be the owners of any freehold property therein, and shall have been actual residents of the ward in which they propose to vote for ten days previous to such election; and every voter, if required by any qualified voter or judge, shall take the following oath, viz.: "I swear (or affirm) that I am of the age of twenty-one years, that I have been a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, (or am at this time a resident and freeholder in this city,) and have not voted at this election :" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

SEC. 8. No election shall be held in any grog-shop, or other place where intoxicating liquors are vended by retail.

SEC. 9. The persons entitled to vote, at any election held under this act, shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election held under this act or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the State.

## ARTICLE V.

### LEGISLATIVE POWER OF THE CITY COUNCIL.

#### SECTION—

1. The Council has power—1, to Levy and Collect Taxes; 2, to Borrow Money; 3, to Appropriate Money; 4, to make Quarantine Laws; 5, to erect Hospitals; 6, to secure the Health of the City; 7, to provide City with Water, &c.; 8, to establish Grades; 9, to erect Bridges, Sewers, Culverts, Crossways, &c.; 10, to provide for Street Lighting; 11, to establish Night Watches; 12, to erect Market Houses, &c.; 13, to provide City Buildings; 14, to enclose, &c., Public Grounds; 15, to improve, &c., Navigation of the Ohio and Mississippi, with certain limits; 16, to erect Wharves, &c., and to collect Wharfage; 17, to regulate Anchorage, &c.; 18, to issue Licenses, &c.; 19, to license and regulate Omnibuses, &c.; 20, to license Porters, &c.; 21, to license Theatricals, Shows, &c.; 22, to license Billiards, Tippling Houses, &c., and suppress Gaming; 23, to prevent Fires, to regulate the erection of Wooden Houses, &c., &c.; 24, to order Cleaning of Chimneys; Stovepipes; 25, to regulate Storage Gunpowder, Tar, &c.; 26, to regulate Partition and Parapet Walls; 27, to establish Standard Weights and Measures, &c.; 28, to provide for Inspection of Lumber, &c.; 29, to provide for Weighing Hay, &c.; 30, to provide

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8. Style of Ordinances.
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10. Ordinances, how proven in Courts.
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## SECTION 1. The city council shall have power—

*First.*—To levy and collect taxes upon all property, real and personal, within the city, made taxable by law for State purposes, not exceeding one-half per centum per annum upon the assessed value thereof.

*Second.*—To borrow money on the credit of the city, and to issue bonds, scrip or certificates therefor : *Provided*, that no sum or sums of money shall be borrowed at a greater interest than six per cent. per annum ; nor shall the interest on the aggregate of all sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the corporation.

*Third.*—To appropriate money, and to provide for the payment of the debt and expenses of the city.

*Fourth.*—To make regulations to prevent the introduction of contagious diseases into the city ; to make quarantine laws for that purpose, and enforce the same within five miles of the city.

*Fifth.*—To establish hospitals and make regulations for the government thereof.

*Sixth.*—To make regulations to secure the general health of the inhabitants ; to declare what shall be nuisances, and to prevent and remove the same.

*Seventh.*—To provide the city with water, and to erect reservoirs, hydrants, fire plugs and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city, and for the extinguishment of fires.

*Eighth.*—To open, establish, grade, pave, plank, or otherwise improve, clean and keep in repair streets, avenues, lanes and alleys.

*Ninth.*—To establish, erect, construct, and keep in repair bridges, culverts, sewers, sidewalks and crossways, and regulate the use and construction of the same, and abate and remove any obstructions

thereon ; to establish, alter and change the channel of water courses, and to wall them up and cover them over.

*Tenth.*—To provide for lighting the streets, and erecting lamps thereon.

*Eleventh.*—To establish, support and regulate night watch and patrols.

*Twelfth.*—To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

*Thirteenth.*—To provide for the erection of all needful buildings for the use of the city.

*Fourteenth*—To provide for enclosing, improving and regulating all public grounds belonging to the city.

*Fifteenth.*—To improve and preserve the navigation of the Ohio and Mississippi rivers within the city, and remove obstructions thereon.

*Sixteenth.*—To erect, repair and regulate public wharves and docks, and to collect wharfage therefrom.

*Seventeenth.*—To regulate the stationing, anchorage and mooring of vessels within the city.

*Eighteenth.*—To license, tax and regulate auctioneers, grocers, merchants, retailers and taverns, and to license, tax, regulate and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers and money-changers.

*Nineteenth.*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts, and drays, and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property.

*Twentieth.*—To license and regulate porters, and fix the rate of portage.

*Twenty-first.*—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

*Twenty-second.*—To license, tax and restrain, prohibit and suppress billiard tables, tippling houses and dram shops, and to suppress gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

*Twenty-third.*—To provide for the prevention and extinguish-

ment of fires, and to organize and establish fire companies; also to regulate, restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactures dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses and buildings, and stairs or ladders leading to the same.

*Twenty-fourth.*—To regulate and order the cleaning of chimneys, and to fix the fees thereof, and to regulate the fixing of stovepipes.

*Twenty-fifth.*—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle or apparatus used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

*Twenty-sixth.*—To regulate and prescribe the manner of, and order the building of partition and parapet walls, and of partition fences.

*Twenty-seventh.*—To establish standard weights and measures, and to regulate the weights and measures, to be used in the city, and in all cases not otherwise provided by law.

*Twenty-eighth.*—To provide for the inspection and measuring of lumber and other building materials.

*Twenty-ninth.*—To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire-wood, and all other fuel to be used in the city.

*Thirtieth.*—To provide for and regulate the inspection of tobacco, cotton, beef, pork, flour, meal, oil, whisky and other spirituous liquors, in barrels, hogsheads and other vessels, and all other articles of commerce: *Provided*, that nothing in this act shall be so construed as to authorize the inspection of any article enumerated in this act which is to be shipped beyond the limits of this state, except at the request of the owner or owners thereof, or of the agent having charge of the same.

*Thirty-first.*—To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry, vegetables; to restrain and punish the forestalling of poultry, butter, eggs, and fruit, and suppress hucksters.

*Thirty-second.*—To regulate the weights, quality and price of bread to be used and sold in the city.

*Thirty-third.*—To regulate the size of bricks made or used in the city.

*Thirty-fourth.*—To provide for taking an enumeration of the inhabitants of the city.

*Thirty-fifth.*—To regulate the election of all elective city officers, and provide for removing from office any person holding an office created by this act or by ordinance, not otherwise provided for.

*Thirty-sixth.*—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

*Thirty-seventh.*—To fix the compensation of the city officers, and provide for the payment of the same, and regulate the fees of all the jurors, witnesses and others, for services rendered under this act or any ordinance.

*Thirty-eighth.*—To regulate the police of the city, to enforce fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriating any such fines and forfeitures, and the enforcement of such penalties.

*Thirty-ninth.*—To regulate and license all ferries within the limits of the city.

*Fortieth.*—To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for the clearing of the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

*Forty-first.*—To prevent and restrain any riot, noise, open indecencies, disturbance or disorderly assemblages in any street, house or place in the city.

*Forty-second.*—To prevent and remove all encroachments into and upon all streets, lanes, avenues and alleys established by law or ordinance.

*Forty-third.*—To exercise complete and perfect control over all the property belonging to the city, real and personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make, pass, publish, amend and repeal such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the city of Cairo, and the trade, commerce and manufactures thereof, as the city council may deem expedient, and that may be necessary or proper to carry into effect the powers granted by this act, not repugnant to the constitution or laws of this State, and also to enforce the observance of all such rules, ordinances and regulations, and to punish violations thereof by fines, penalties and imprisonment in the city jail, or both, in the discretion of the court or magistrate before whom conviction may be had: But no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any one offense; and such fine or penalty may be recovered, with costs, in an action of debt, in the name and for the use of the city before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof, may be imprisoned in the city jail, or be required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

*Forty-fourth*—To direct and control, hereafter, the laying and construction of railroad tracks, bridges, turnouts and switches in

the streets and alleys within the city. To require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and ditches, sewers and culverts, when the city council shall deem necessary; direct and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing a storage or warehouse business for hire or pay, and from selling goods, wares or merchandise upon their grounds or depot premises, or to receive compensation for the forwarding of goods.

*Forty-fifth.*—To prevent any person from bringing into and burying dead bodies within the limits of the city.

*Forty-sixth.*—To regulate, prevent and prohibit the use of fire works and the discharge of firearms, except in defense of the person or property, and except by any military company or assemblage of citizens at some public celebration.

*Forty-seventh.*—To license, regulate and prohibit butchers, and to revoke their licenses for misconduct in the course of trade.

*Forty-eighth.*—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalties incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

*Forty-ninth.*—To regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

*Fiftieth.*—To regulate, establish and create the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

*Fifty-first.*—The city council shall have the exclusive authority,

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within the limits of the city, to license groceries, beer shops, and saloons, and all places for the sale of vinous, spirituous and fermented liquors; and all sums of money which may be received for grocery and all other licenses shall be paid into the city treasury for the use of the city: *Provided*, no license shall be granted for a longer period than one year, and no license for the sale of wines or other liquor shall be issued for a less sum than seventy-five dollars.

SEC. 2. The city council shall have power, subject to the restriction in the preceding section, to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section, and all other powers vested by this act in the corporation, the city government or any department or officers thereof.

SEC. 3. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

SEC. 4. Every ordinance or resolution which shall have been passed by the city council shall, before it becomes a law, be presented to the mayor for his approval. If he approve he shall sign it, if not, he shall return it, with his objections, to the board; which objections shall be entered at large on the journal, and the bill reconsidered.

SEC. 5. If, after such reconsideration, a majority of all the members elected to the board shall agree to pass the same, it shall become a law.

SEC. 6. In all cases the votes shall be taken by yeas and nays, and entered on the journal of the board.

SEC. 7. If any bill shall not be returned by the mayor to the city clerk in five days, Sundays excepted, after it shall have been presented to him for his approval, the same shall become a law in the same manner as if he had approved and signed it.

SEC. 8. The style of the ordinances of the city shall be, "*Be it ordained by the City Council of the City of Cairo.*"

SEC. 9. All ordinances passed by the city council shall, within five days after their passage, be published by printing in a newspaper published and circulated in the city of Cairo, or by posting

up printed or written copies of the same in four of the most public places in said city ; and until such publication, for ten days, the said ordinances shall not go into effect.

SEC. 10. All ordinances of the city may be proven by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

SEC. 11. The city council shall have power to keep the streets, lanes, avenues and alleys in repair, and to require all male inhabitants in said city, of twenty-one years of age and not over fifty, to labor on said streets, lane, avenue or alley, not exceeding three days in each and every year ; and any person failing to perform such labor, when duly notified by the supervisor or other officer, shall forfeit and pay not to exceed one dollar per day for each day so neglected or refused.

## ARTICLE VI.

### COLLECTION OF TAXES AND ASSESSMENTS.

#### SECTION—

1. Assessment Lists; Assessors.
2. Assessment Lists, when to be returned; Objections, how and when to be made.
3. Warrant to Collect Taxes; Levies, how made.
4. Taxes, &c., to be lien; Personal Property may be taken to satisfy Real or Personal Property Tax, &c.
5. How Clerk shall issue Warrant, &c.
6. By whom Warrant shall be signed; to whom delivered; how Collector shall collect.
7. Collector may collect Tax in same manner as State Taxes are collected; when to pay over to Treasurer; in case of default.

#### SECTION—

8. In case Taxes, &c., are not paid; what proceedings, &c.
9. Advertisement to be made; how.
10. Sales, how conducted; Certificates of sale; Fees of Collector; Clerk to keep records of Sales.
11. Right of Redemption.
12. Assignees of Tax Certificates entitled to Deed.
13. In case no bid is made at Sale, &c.
14. Tax Deed *prima facie* evidence of—  
1, that land subject to taxation; 2, that taxes unpaid; 3, that land has not been redeemed, and, 4, conclusive evidence of what, &c., &c.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment list, and prescribe the duties and define the powers of assessors; they may also make such rules

and give such directions in relation to revising, altering or adding to the lists, as they may deem proper or expedient.

SEC. 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each year; but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city, or by other notices posted in four public places in the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

SEC. 3. When the assessment lists have been corrected and revised the same shall be filed, and an order confirming the same, and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall, thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

SEC. 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment; and on personal estate, from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate; and the real estate shall be liable for the taxes on personal estate, in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as

is prescribed by the laws of the State: *Provided*, that in case the collection of any assessment shall be delayed by judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

SEC. 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

SEC. 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists, upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for ten days in the newspaper printing the ordinances of the city, or posted up in four public places in the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall, in all cases, be evidence on the part of the city corporation.

SEC. 7. All taxes and assessments, general, or special, may be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county or state taxes, or in the manner hereinafter provided for. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants and settling with the city, and his liabilities, in case of default or misconduct, shall be the same as prescribed by law in case of county collectors: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors, by ordinance.

SEC. 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof at any time within two years after the confirmation of the assessment by the city council. Before any such sale or order shall be made by the city council, which shall be entered at large in the journal or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold and the assessment for which the sale shall be made, a certified copy of which, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which the sale may be made.

SEC. 9. The collector shall then advertise such premises, in the newspaper publishing the ordinances of the city, for sale, or post up notices in four public places in the city, of the sale, at least thirty days from and after the first publication of such notice, describing the premises, by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes and assessments thereon, and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings may be stopped at any time, on the payment of the taxes or assessment and interest, with expenses of advertising.

SEC. 10. All sales shall be conducted in the manner required by law, but the city council shall have the power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling

as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

SEC. 11. The right of redemption, in all cases for sale for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in all cases of sale of real estate for taxes, on the payment, in specie, of double the amount for which the same was sold, and all taxes accruing subsequently to the sale, with interest. If the real estate of any infant, *femme covert* or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption the money may be paid to the purchaser, or, for him, to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed, according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

SEC. 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

SEC. 13. If, at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattles, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 14.—All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie*

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evidence in all controversies and suits in relation to the right of the purchaser, his heirs and assigns, to the premises thereby conveyed, of the following facts :

*First.*—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed at the time and manner required by law.

*Second.*—That the taxes or assessments were not paid at any time before the sale.

*Third.*—That the land conveyed had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the following facts: *first*, that the land or lot was advertised for sale for the length of time and in the manner required by law; *second*, that the land was sold for taxes or assessments, as stated in the deed; *third*, that the grantee in the deed was the purchaser; *fourth*, that the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the State; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this State after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

## ARTICLE VII.

## MISCELLANEOUS PROVISIONS.

## SECTION—

1. Citizens exempt from Road Tax, provided the City, &c.
2. Annual Statement of Finances.
3. How long Ordinances and Resolutions shall remain in force.
4. Suits, &c., to be commenced, &c., in the name of the "City of Cairo."
5. Actions, &c., which have accrued to the Trustees shall be vested in the City.
6. Property, Real and Personal, of the Town, to belong to the City.
7. Charter not to invalidate the Legal Acts of the town.
8. Appeals allowed to the Common Pleas and Circuit Courts.

## SECTION—

9. The Act a Public Act.
10. Inconsistent Enactments repealed.
11. Officers Conservators of the Peace.
12. Actions to recover Penalties, to be brought in the Corporate name.
13. The first process in all Prosecutions to be Summons.
14. When Execution to issue, &c.
15. No fine to be released, unless, &c.
16. No vote to be reconsidered or rescinded at a Special Meeting, &c.
17. No person shall be incompetent as Judge, &c., because Freeholder.
18. When Act be in force.

SECTION 1. The inhabitants of the city of Cairo are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers upon the same, and from any tax for county purposes upon property within the city: *Provided*, the corporation shall support and provide for all the resident paupers of said city, and pay the expenses of the circuit court in all criminal cases arising out of the offenses of any citizen of said city, as also jail fees which may accrue therefrom, viz.: boarding and lodging of criminals, or charges that may be just and equitable, and coroner's inquests within the city.

SEC. 2. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 3. All ordinances and resolutions passed by the president and trustees of the town of Cairo shall remain in full force until the same shall have been repealed by the city council hereby created: *Provided*, no contract or agreement shall be affected thereby.

SEC. 4. All suits, actions and prosecutions, instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Cairo.

SEC. 5. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Cairo shall be vested in and prosecuted by the corporation hereby created.

SEC. 6. All property, real and personal, heretofore belonging to the president and trustees of the town of Cairo, for the use of the said inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

SEC. 7. This charter shall not invalidate any legal act done by the president and trustees of the town of Cairo, nor divest them of any right which may have accrued to them prior to the passage of this act.

SEC. 8. Appeals shall be allowed from the decision in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the court of common pleas of the city of Cairo, or the circuit court of Alexander county; and every such appeal shall be taken and granted in the same manner and like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this State.

SEC. 9. This act is hereby declared to be a public act, and may be read in evidence, in all courts of law and equity in this State, without proof.

SEC. 10. All acts or parts of acts, inconsistent with the provisions of this charter, are, so far as they conflict with the same, hereby repealed.

SEC. 11. All officers of the city, created conservators of the peace by this act or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of the city, commit for examination, and, if necessary, detain such person in custody over night, or the Sabbath, in the watchhouse, city jail, or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

SEC. 12. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-laws or police regulation made in pursuance thereof, shall be brought in the corporate

name. It shall be lawful to declare, generally, in debt, for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 13. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

SEC. 14. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the city of Cairo, whereof the judgment can be collected, the defendant may be confined in the city jail, for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each dollar of such judgment and costs. All expenses incurred in prosecution for the recovery of any fine, penalty or forfeiture, when collected shall be paid into the city treasury.

SEC. 15. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise.

SEC. 16. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose and the aldermen be so notified; and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken.

SEC. 17. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Cairo, in any action or proceeding in which said city may be a party in interest.

SEC. 18. This act to be a public act, and shall be in force from and after its passage.

APPROVED February 11, 1857.

# AMENDMENTS TO THE CHARTER.

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## OF 1859. (a)

### SECTION—

1. Limits Extended.
2. Sec. 1, Art. 5, of Charter, repealed.
3. Sec. 5, Art. 5, of Charter, amended.
4. Sec. 6, Art. 5, of Charter, amended.

### SECTION—

5. Real and Personal Property of City exempt from what taxation.
6. Council has power, &c., to punish vagrants.
7. Act, when in force.

## OF 1861. (b)

### SECTION—

1. The 17th Sec. of Art. 7, amended.
2. All of Sec. 5, of Act of 1859, repealed.

### SECTION—

3. Assessments for County purposes, &c., to be made.
4. When Act to be in force.

## OF 1863. (c)

### SECTION—

1. Power of Council to establish Grade, and Levy Assessments, &c., &c.

### SECTION—

2. Sec. 8, Art. 7, to apply to Act.
3. When Act to be in force.

## OF 1859. (a)

SECTION 1. That the limits of the said city of Cairo shall be so extended as to embrace all that district of country, in the county of Alexander, in township 17 south, and range 1 west, situated south and east of the south line produced of sections 14 and 15, in said township, and between the main channels of the Ohio and Mississippi rivers, to their point of junction; and the said district, being fractional sections, 22, 23, 24, 25, 26, 27, 35 and 36, in said township, and the territory between said fractional sections and the middle of the main channel of the Ohio and the Mississippi rivers, shall be included within the limits and jurisdiction of said city, and be subject to its ordinances, laws and regulations.

SEC. 2. So much of section 1, article 5, of said charter as provides that no sum or sums of money shall be borrowed at a greater rate of interest than six per cent., is hereby repealed, and the city council of said city shall have the power to borrow such

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(a) Private Acts of 1859, p. 113.

(b) Private Acts of 1861.

(c) Private Acts of 1863.

sums of money as they are now authorized to borrow, at any legal rate of interest not exceeding ten per cent.

SEC. 3. Section 5, of article 5, of said charter is hereby amended by striking out the words "by the board."

SEC. 4. Section 6, of article 5, of said charter is hereby amended by adding the words "where an appropriation of money is made," after the words "in all cases," so that said section 6, of said article 5, shall read as follows, viz.: "In all cases where an appropriation of money is made, the vote shall be taken by yeas and nays, and entered on the journal of the board."

SEC. 5. The real and personal estate in the said city shall be hereafter exempt from taxation for county purposes.

SEC. 6. The city council of the city of Cairo shall have power and authority to restrain and punish vagrants, mendicants, street beggars and all other persons offending against the public health, morality and peace of said city.

SEC. 7. This act shall be in force from and after its passage.

APPROVED February 11, 1859.

#### OF 1861. (b)

SECTION 1. That all that part of the seventh article of the original charter of the city of Cairo, entitled "Miscellaneous Provisions," approved February 11, 1857, included in section 1 of said article, after the words "on the same" in the fourth line of said section; and thence to the end of said section 1, be and the same is hereby repealed.

SEC. 2. Be it further enacted, that all of section 5 of an act entitled "an act to amend the charter of the city of Cairo," approved February 11th, 1859, be and the same is hereby repealed.

SEC. 3. From and after the passage of this act, assessments shall be made of all the property within the city of Cairo for county purposes, the same as if the parts of acts hereby repealed had never been in force, but no assessments shall be made for county purposes, for the period said parts of acts were in force, or if made, no collection shall be enforced of said taxes.

SEC. 4. This act shall be in force from and after its passage.

APPROVED February 13, 1861.

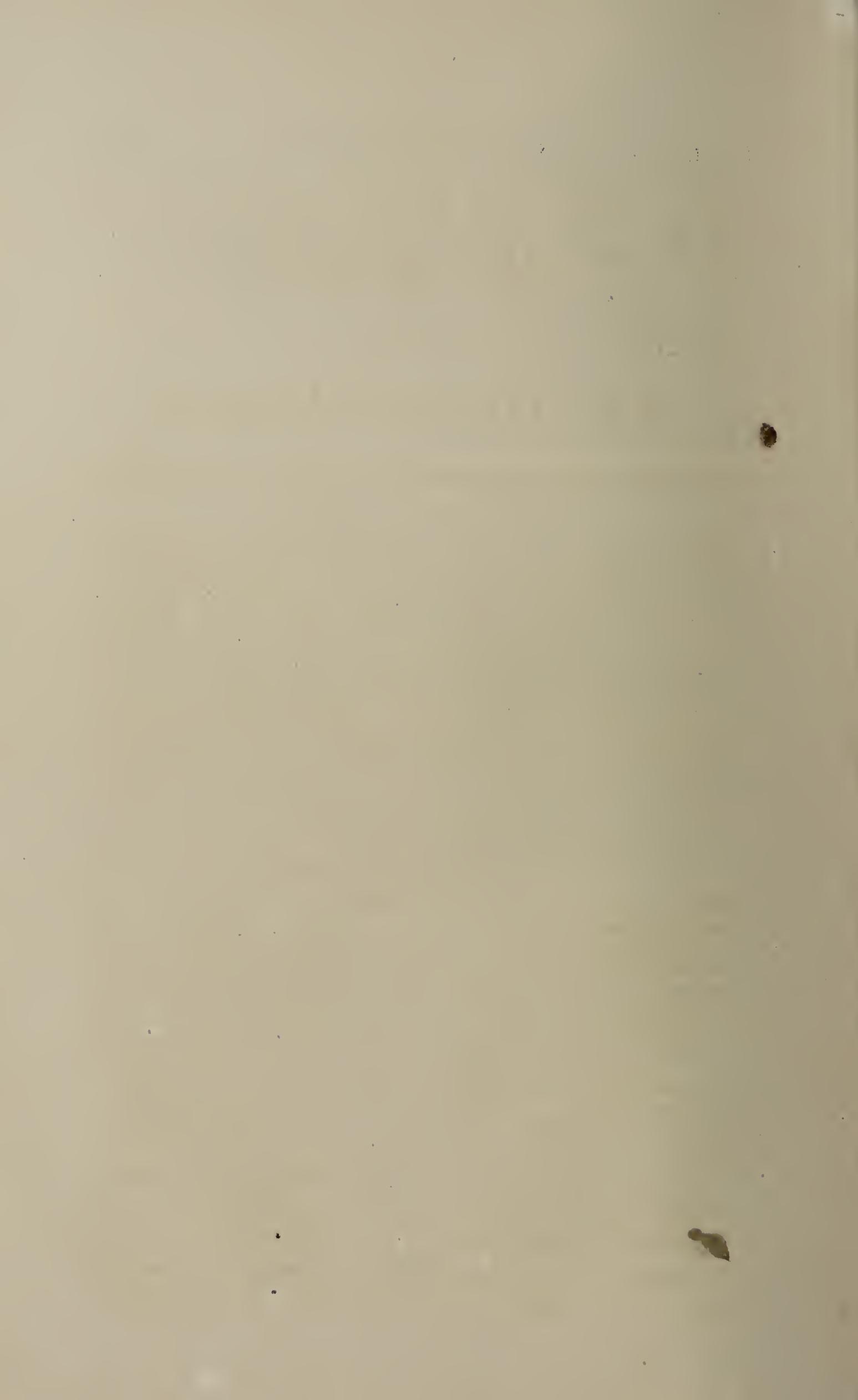
## OF 1863. (c)

SECTION 1. The city council of said city of Cairo shall have power from time to time to cause any street, avenue, or highway, or portion of any street, avenue or highway in said city to be filled, re-filled, graded, re-graded, leveled, paved, re-paved, macadamized or planked and repaired, and to alter and change the same, and to assess and collect the expenses of the same upon and from the lots bounding, abutting or fronting on the street or portion of street so filled, graded, leveled, paved, macadamized, planked or repaired, said assessment to be collected in such manner as the city council may prescribe, provided the owners of two-thirds of the lots fronting or abutting on said improvement shall petition for the same, or said improvement shall be ordered by the unanimous vote of the city council, and also provided that the owner or owners of any lot fronting or abutting on said improvement, shall have the right for a reasonable time, to be fixed by the city council, to fill, grade, pave or plank, in front of his, her or their own lot or lots, and receive a proportionate credit therefor.

SEC. 2. The provisions of section eight of article seven of the act to which this is an amendment shall be held to apply to this act.

SEC. 3. This act shall take effect from and after its passage.

APPROVED January 22, 1863.



## PART SECOND.

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# AN ORDINANCE

TO ADOPT THE ORDINANCES OF THE CITY OF CAIRO,  
AS REVISED AND CODIFIED.

WHEREAS, numerous ordinances have heretofore been passed by the City Council of the city of Cairo, many provisions of which are in conflict with each other, by means whereof the amendment of some, and the modification of other ordinances, has become necessary; new provisions, on account of the growth and prosperity of the city, are demanded in its laws; and the ordinances heretofore passed are without a proper and lucid arrangement, *Therefore, be it ordained by the City Council of the City of Cairo:*

### CHAPTER I.

#### CITY COUNCIL.

##### SECTION—

1. Regular Meetings, when; how Special Meetings called, and by whom.
2. Quorum, what.
3. Rules: 1, Who Chairman, and when to take the chair; 2, Reading of Journal; 3, Unfinished Business; 4, Roll Call, how; 5, Motions, when to be reduced to writing; 6, when motion made and seconded, in whose possession; 7, when motion may be withdrawn; 8, how Questions shall be put; 9, "Ayes" and "Nays"; 10, when Question before the house, what motions proper; 11, Motion to Adjourn, when in order; 12, how Previous Question shall be put; 13, Division of Mem-

##### SECTION—

- bers; 14, Recommitment of Ordinance; 15, Voting, when member may be excused; 16, Protest; 17, Filing Blanks, how done; 18, Personal Interest, disqualification; 19, Chairman may decide questions of order; 20, Duty of Chairman, order; 21, Personalities; 22, Standing Committees; 23, Duty of Ordinance Committee; 24, Committees, how appointed; 25, Appropriations, if objected to, to whom referred; 26, How to Address the Chair; 27, Suspension of Rules; 28, When Vote of Council may be reconsidered, and how; 29, Disturbing Council, how punished.

SECTION 1. There shall be a regular meeting of the city council held on the first Monday of each month, at  $7\frac{1}{2}$  o'clock, P. M., at

such place as the council may by ordinance or resolution direct, and the mayor or any two aldermen may call special meetings, by giving a written notice to each member of the council personally, or by leaving such notice at the usual place of abode of each member of the council; said notices shall be prepared by the city clerk, upon requisition of the mayor or any two aldermen, and shall be served by the police constable designated for duty in the day time, or the city marshal.

SEC. 2. No business shall be transacted by the city council, unless the mayor and a majority of all the aldermen elected be present, or unless nine aldermen be present without the mayor. The mayor and any three aldermen, or any five aldermen without the mayor, when legally convened, may adjourn from day to day, and may require the attendance of the other aldermen, by written notices served personally, or left at their usual places of abode. In the absence of the mayor, the council may appoint a chairman.

SEC. 3. The following rules shall be observed in conducting the business of the city council, viz.:

1. The mayor shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order. The roll shall be called, and the mayor, at the instance of any two members present, shall order the attendance of absent members.

2. At the stated meetings of the council, the reading of the journal of the preceding, stated and intervening special meetings shall be first in order, unless unanimously dispensed with, and the unfinished business appearing thereon, shall be then disposed of, unless otherwise directed by the council.

3. After the unfinished business is disposed of, reports from committees shall be called for, petitions, applications and accounts, if any, shall be presented and acted upon, and then new business may be introduced.

4. When the roll of the council is called, the names of the members shall be called in alphabetical order.

5. Every motion or proposition shall, if the chairman or any member requires it, be reduced to writing, and the name of the member offering a resolution or motion shall be entered with it upon the journal.

6. When a motion is made and seconded, it shall be deemed to be in possession of the council, and shall be stated by the chairman, or, being in writing, shall be delivered to the clerk, and read by him or the chairman previous to debate.

7. After a motion is stated by the chairman or read by the clerk, it may be withdrawn by the mover at any time before decision or amendment.

8. All questions shall be put in form, "as many as are of opinion" (as the case may be) will say *aye*, and the contrary, *no*. In doubtful cases the chairman may direct, or any member may call for a division.

9. When demanded by any member present, the *ayes* and *nays* shall be entered on the journal, and they shall be taken upon the passage of every ordinance and entered on the journal.

10. When a question is before the council, no motion shall be received, unless to amend, to postpone, or commit the main question, to lay it on the table, or for the previous question, or to adjourn.

11. A motion to adjourn shall always be in order, unless the council is engaged in voting, and shall be decided without debate.

12. The previous question shall be put in these words: "Shall the main question now be put?" And until decided shall preclude all debate or amendment of the main question.

13. Any member may call for a division of the question, when the same shall admit thereof.

14. An ordinance after commitment and report thereon, may be recommitted at any time previous to its final passage.

15. Every member present, when a question is put, shall vote, unless interested, or the council shall, for special reasons, excuse him from so doing.

16. Any member shall have the liberty to dissent from and protest against any ordinance, resolution or order of the council.

17. In filling blanks, the largest sum and longest time shall be put first.

18. No member shall vote when personally interested in the decision of the question before the council, nor shall any member be security on any bond, note or obligation given to the city.

19. The chairman shall have a right to decide all questions of order, subject to an appeal to the council.

20. The chairman shall preserve decorum, and if any member transgresses the rules of the council, the chairman shall, or any member may, call him to order, in which case the member called to order shall immediately sit down and be silent. The council, if appealed to, may permit the member to explain, and shall decide the matter.

21. No personalities or reflections, injurious to the feelings or harmony of the council, shall be tolerated, and the member indulging in any such personalities shall be called to order by the chairman.

22. The standing committees of the council shall be as follows, viz.:

On streets, to be composed of a member from each ward.

On claims, of three members.

On police and jail, of three members.

On ordinances, of three members.

On fire department, of three members.

On markets, of three members.

On drainage, of five members.

And the mayor shall be, *ex-officio*, a member of all standing committees.

23. Every ordinance presented to the council, not having been drawn by the ordinance committee, shall be referred to said committee, and a written report made by said committee to the council before a vote on its passage shall be taken, and every ordinance shall be read at two separate meetings of the city council, with an interval between of at least one week, before it is put on its final passage.

24. All committees shall be appointed by the mayor, unless otherwise directed by the council, in which case they shall be appointed by ballot.

25. Every proposition involving the expenditure of money, if objected to, shall be referred to an appropriate standing committee, and a report made thereon to the council before a vote is taken on the expenditure.

26. Every member, when addressing the chairman on any subject before the council, shall rise from his seat.

27. The foregoing rules, nor any of them, nor any part thereof, shall be suspended, changed, modified, repealed or annulled, unless by the consent and concurring vote of two-thirds of the aldermen present.

28. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken.

29. Every person, who shall disturb any meeting of the city council by rude, noisy or other improper behavior, in the council chamber or in its neighborhood, or interfere in any manner with the proceedings, deliberations or business of the city council, shall forfeit and pay for the use of the city, a sum not less than twenty-five dollars, nor more than one hundred dollars for each and every offense, and shall stand committed to the city jail until such fine and the costs of prosecution are paid: *Provided*, each rude, noisy or other improper act shall constitute a separate and distinct offense.

## CHAPTER II.

### CITY OFFICERS.

#### SECTION—

4. What Additional Officers shall be elected at general election; Compensation.
5. Delivering up of Papers on removal, or expiration of office, or resignation; fine in case of failure.
6. How any Officer may be removed.
7. Assessor and Collector.
8. His duties; amount of bond.
9. City Attorney; his duties.
10. City Clerk; his duties.
11. Bond of City Clerk.
12. His Office Hours.
13. In case Papers disappear from his office, what fine.
14. His Sign.

#### SECTION—

15. How persons punished Abstracting Papers from his office.
16. City Comptroller.
17. His duties.
18. His additional duties.
19. Amount of his Bond.
20. City Engineer.
21. His duties.
22. Harbor Master.
23. Market Master.
24. City Marshal and Police Constables; what shall constitute city police.
25. Duties of City Marshal and Police; special duties of the City Marshal.
26. City Police has Power of Constables at common law.

## SECTION—

- 27. County Constables of Cairo precinct,  
Police Constables of Cairo.
- 28. Mayor may employ additional Con-  
stables, when.
- 29. Bonds of City Marshal and Police  
Constables.
- 30. Rules and Regulations to be pre-  
scribed by mayor.
- 31. Persons Resisting Officers, how pun-  
ished.

## SECTION—

- 32. Bystanders, in case they refuse assist-  
ance, how fined.
- 33. Duties of the City Treasurer.
- 34. Accounts to be open for Inspection;  
to cancel city orders; in case of  
failure, how fined.
- 35. Bond of the City Treasurer; amount.
- 36. To keep Separate Accounts of the dif-  
ferent funds.
- 37. Must keep an Office in central loca-  
tion.

SECTION 4. At each general annual election for city officers there shall be elected by the legal voters of the city, a mayor, city clerk, city attorney, city treasurer, and city marshal, who shall hold their offices for the term of one year, and until their successors are duly elected and qualified, and shall each receive for their services such compensation, and be subject to such regulations, as the city council may from time to time adopt and prescribe.

SEC. 5. Each and every officer elected by the legal voters of the city, or appointed by the city council, on his resignation, removal from office, or the expiration of his term of office, shall deliver up to his successor, or to the mayor, or city council, all books, papers, documents and other property belonging to the city and pertaining to his office; and any such officer refusing or neglecting to deliver up the same or any portion thereof, when required, shall forfeit and pay, for the use of the city, the sum of ten dollars for each and every day he shall retain any of said property after demand made.

SEC. 6. Any officer elected by the legal voters of the city, or appointed by the city council, may at any time be removed from office by a vote of a majority of all the aldermen elected, for incompetency, negligence, dereliction or violation of duty, or other cause, whenever said council shall think the interest of the city requires such removal: *Provided*, however, that no officer shall be removed as aforesaid, until he shall have had at least five days' notice of such intended removal, and of the charge or charges preferred against him, served upon him by the mayor or city clerk, and an opportunity given him to exculpate himself before said council: and *Provided further*, that when charges are made against

an officer, the mayor, if satisfied of their truth, shall have authority to suspend him from office until the same have been investigated and disposed of by said council; and during such suspension the powers, duties and compensation of such officer shall also be suspended.

#### ASSESSOR AND COLLECTOR.

SEC. 7. There shall be appointed by the mayor, with the advice and consent of a majority of the city council, an assessor and collector, who shall hold his office for one year, and until his successor is appointed and qualified.

SEC. 8. The assessor and collector shall execute bonds to the city in the sum of fifty thousand dollars, with sufficient security, to be approved by the city council, conditioned for the faithful performance of his duties, and accounting for and paying over all moneys and delivering up all books, papers, and other property that may come into his hands by virtue of his office, and shall also take an oath of office, and keep an office for the transaction of his business in a central and convenient location.

#### CITY ATTORNEY.

SEC. 9. It shall be the duty of the city attorney to draft all bonds, warrants, certificates, leases, conveyances and other writings which may be required of him by the mayor of the city or by any resolution of the city council, which it may deem necessary to be done in behalf of the city, and which by law or usage shall be prepared at the expense of the city; commence and prosecute in proper form all and every suit or suits, action or actions brought or to be brought in any court in this State, wherein the city shall be interested as plaintiff, defend all actions or suits brought or that may be brought against the city; do all and every professional act incident to the office; and when required, give the city council, or any of its committees, or any officer of the city, his opinion on any subject, pertaining to the interests or concerns of the city, submitted by them.

#### CITY CLERK.

SEC. 10. It shall be the duty of the city clerk to attend the stated and special meetings of the city council, keep a correct

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journal of all its proceedings; record the same in a book to be kept for that purpose; record in a separate book all ordinances which may be passed from time to time by the city council, numbering them consecutively in the order of their passage; and cause the said journals and the ordinances to be published as required by the city charter; keep and preserve safely the city seal, and all papers pertaining to his office; prepare and deliver all licenses, and keep lists of the same; draw all warrants on the treasurer in pursuance of ordinance or resolution of the city council, notify all officers of their appointment or election, members of the city council of all special meetings, and all committees of their appointment, and of the business referred to them; engross and submit to the mayor, within three days after their passage, for his approval and signature, all ordinances and resolutions requiring his approval; and generally to do and perform such other duties as may at any time be enjoined on him by ordinance or resolution of the city council: *Provided*, that in case of the absence of the city clerk from any of the special or stated meetings of the board, or inability to act, the city council may appoint one of its own members, or any other person as clerk *pro tem.* during the absence or inability of said city clerk.

SEC. 11. The city clerk shall execute bonds to the city in the sum of two thousand dollars with sufficient security, to be approved by the city council, conditioned for the faithful performance of his duties, and the delivery to his successor in office of all books, papers, property and effects belonging to the city.

SEC. 12. The city clerk shall keep his office open for business every day, Sundays excepted, from nine till twelve o'clock in the morning, and from two till five o'clock in the afternoon.

SEC. 13. If the city clerk shall suffer any record, paper or other instrument in writing in his possession as such clerk, to be carried out of his office by any other person than himself, the mayor, city comptroller or a committee of the city council, or shall lose any such record, paper, or other instrument of writing, he shall forfeit and pay, for the use of the city, not less than ten dollars nor more than twenty-five dollars for each and every offense: *Provided*, the omission or neglect to produce such record, paper, or

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other instrument of writing for twelve hours after demand made for it by the city council, or any person or persons authorized to demand such production, shall be *prima facie* evidence of such loss.

SEC. 14. The city clerk shall have prepared and affixed over or at the outside of the entrance to his office, a sign, with the words, "CITY CLERK, office hours from 9 till 12, and from 2 till 5," plainly painted on it, so as to indicate the time and place, when and where he can be found.

SEC. 15. Every person who shall take out of the possession of the city clerk, or remove from his office any paper, document, record or instrument in writing belonging to the city, without the consent of said clerk, shall forfeit and pay, for the use of the city, a sum not less than twenty-five dollars nor more than fifty dollars for each and every offense.

#### CITY COMPTROLLER.

SEC. 16. There shall be appointed by the mayor, by and with the consent of a majority of the city council, a city comptroller, who shall hold his office for one year and until his successor is appointed and qualified.

SEC. 17. The city comptroller shall be the fiscal agent of the city, and as such shall make all purchases for the city which may be necessary to carry on the public works, and other city improvements; shall examine all accounts which may exist against the city, before the same are presented to the city council, claimants being required to present their accounts for proper endorsement as to their correctness to him at least twenty-four hours before the meeting of the council at which they wish their accounts allowed; shall have power to investigate, and by and with consent of council, to settle, collect and compromise all claims due or held against the city; shall see that all fines or other moneys due the city from police magistrates, collectors, harbor and market masters, and all others having charge of the collection of the funds of the city, are correctly accounted for and paid into the treasury; and shall also attest the correctness of the monthly reports of the different city officers.

SEC. 18. The city comptroller shall keep an account of all receipts and disbursements of money, funds, and revenue belonging to the city, in convenient books, in which shall be opened and kept in a proper manner general and separate accounts of all the receipts and disbursements of the various funds of the city, and a particular personal account with each individual receiving any contracts or moneys, or performing any work, giving each person credit for the amount of every contract or other work performed, and charging him with the amount of warrants, orders, judgments, rents, compromises, deductions or releases granted or made against him or in his favor. And the said comptroller shall, on or before the first day of March of every year, make out and present to the council for publication, a particular and detailed statement of the receipts and expenditures of all moneys belonging to the city during the preceding year.

SEC. 19. Before entering upon the duties of his office, the city comptroller shall enter into a bond in the sum of \$5,000, with good and sufficient security, conditioned for the faithful and impartial performance thereof.

#### CITY ENGINEER.

SEC. 20. There shall be appointed by the mayor, by and with the consent of a majority of the city council, a city engineer, who shall hold his office for one year and until his successor is appointed and qualified.

SEC. 21. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city, to make out plans and estimates therefor, and to contract for the execution of the same, under the direction of the city council, street committee, or board of public works; to perform all the surveying and engineering required by the city, and generally such other professional services as may be demanded of him.

#### HARBOR MASTER.

SEC. 22. There shall be appointed by the mayor, by and with the consent of a majority of the city council, a harbor master for the term of one year and until his successor is appointed and qualified, who shall do and perform such duties as are set forth in

the chapter on "Harbor," of this ordinance, and as may hereafter be prescribed by the city council.

## MARKET MASTER.

SEC. 23. There shall be annually appointed a market master by the mayor, by and with the consent of a majority of the city council, who shall perform all the duties and carry out all the provisions that are now provided for in the chapter on "Markets," or that may hereafter be ordained by the city council.

## CITY MARSHAL AND POLICE CONSTABLES.

SEC. 24. The police force of the city shall consist of the city marshal, who shall be *ex-officio* captain of the day police, a captain of the night police, and such policemen as the city council may from time to time appoint.

SEC. 25. It shall be the duty of the city marshal and police constables, and of each of them, to execute and return all writs, processes, warrants and precepts which may be issued against any person or persons for the violation of any ordinance of the city; to collect all fines, forfeitures and penalties which may be assessed or recovered for the use of, or accrue to the city, not otherwise provided for by ordinance; remove all nuisances in conformity with the ordinances relating to the same; give to the city attorney information of each and every breach of any ordinance of said city; to be diligent in observing and reporting all infractions of ordinances, and generally to do and perform all such duties as may be enjoined on them, or either or any one of them, by ordinance or resolution of the city council. And it shall be the special duty of the city marshal to remove all carrion, dead animals, offal, and nuisances of like description, from the streets of the city; observe that the ordinances of the city in relation to obstructions in the streets and nuisances generally, are observed and complied with, and serve such notices relative to the abatement and removal of such nuisances as may now be required by law; observe that all ordinances in relation to licences of every description are complied with. Also, to kill all dogs running at large contrary to ordinance; observe the condition of sidewalks and crosswalks, and give due notice to the mayor or

street committee where said sidewalks and crosswalks require repairs; serve all notices of the meetings of the city council, board of public works, or any committee; attend all meetings of the city council and prepare their room for said meetings; take charge of the city rooms, and generally to perform such duties in regard to the ordinances of the city as may be required of him by the mayor or any committee of the city council.

SEC. 26. In the performance of any duty enjoined on them by any ordinance of the city council, the city marshal and police constables, and each of them, shall be and are hereby invested with all such powers as are conferred upon constables by common law, or the laws of this State; they, and each of them, shall have authority to arrest or cause to be arrested on view, with or without process, all persons breaking the peace or threatening to break the peace, or found violating any ordinance of the city, and to commit for examination, and if necessary detain such person or persons in custody over night or the Sabbath in the city jail, or other safe place, until they can be brought before a magistrate.

SEC. 27. The county constables, now or hereafter to be elected for the Cairo precinct shall be, and they are hereby appointed police constables of the city of Cairo, and they shall be and are hereby invested with all the powers which are now or may be hereafter possessed by said police constables, under and by virtue of the ordinances of the said city. They shall be entitled to receive the same fees for their services, under the said ordinances, and be subject to the same conditions and regulations: *Provided*, they shall receive no compensation from said city.

SEC. 28. The mayor is authorized to employ as many special police constables as he may deem necessary, to preserve the peace of the city by night or by day, at such compensation as he can arrange for, and they shall have the same authority to make arrests as other police constables of the city, and to call upon citizens and bystanders to assist them in sustaining the supremacy of the laws as the police constables or city marshal may order: *Provided*, they are subject to removal at any time.

SEC. 29. The city marshal and police constables of the city,

shall each execute bonds for the faithful performance of their duties, in the sum of one thousand dollars, with sufficient security to be approved by the city council: *Provided*, the city council may at any time require the execution of new bonds, from any of the officers above named, in similar or larger amounts, as they may deem expedient.

SEC. 30. The mayor is hereby authorized to prescribe and establish such regulations for the government of the police constables, the jail and the jailer, as he may think proper, and not inconsistent with the ordinances and regulations of the city council; and for any dereliction of duty he may suspend any police constable or jailer from office until the next meeting thereafter of the city council, and appoint another in his stead; and if such suspension is confirmed, the pay of such officer shall cease from the time of such suspension.

SEC. 31. If any person or persons shall resist or oppose the city marshal, or any police constable, watchman or other officer, acting under the authority of the city council, in the enforcement of any of the ordinances of the city, he, she or they shall forfeit and pay for the use of the city a sum not less than ten dollars, nor more than fifty dollars for each and every offense.

SEC. 32. If any bystander or bystanders, when commanded by the city marshal or other city officer, referred to in the preceding section, to do so, shall refuse or neglect to aid him in arresting and conveying to the city jail any person violating any of the ordinances of the city council, he, or they shall forfeit and pay for the use of the city a sum not less than ten dollars, nor more than fifty dollars for each and every offense.

#### CITY TREASURER.

SEC. 33. It shall be the duty of the city treasurer to receive and take under his charge all money belonging to the city; keep a true and accurate account of all moneys received and disbursed by him, showing the date of the receipt and disbursement thereof, of whom received, to whom paid, and on what account; pay out all such sums of money as may be ordered by the city council, the warrants therefor being drawn by the city clerk, and countersigned by the mayor or president of the city council for the time being,

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and finally to make a monthly report of the state of the treasury, and of his acts and doings to the city council, or oftener, if required by said city council.

SEC. 34. The accounts of the city treasurer shall always be open to inspection by the mayor, city comptroller, or any member of the city council, and shall be kept in such a manner as to show at all times the exact state of the receipts and expenditures. He shall cancel all city orders received by him, by cutting or marking the word "cancelled" with red ink across the face of the same, and shall not re-issue the same ; and for every violation of this provision of this section, whether by failure to cancel or by re-issue of an order, he shall forfeit and pay to said city of Cairo the sum of double the amount of any such order so failed to be canceled, or so re-issued.

SEC. 35. The city treasurer shall execute bonds to the city in the sum of fifty thousand dollars, with sufficient security, to be approved by the city council, conditioned for the faithful performance of his duties, and accounting for and paying over all moneys and delivering up all books, papers, and other property that may come into his hands by virtue of his office.

SEC. 36. The city treasurer shall keep separate and distinct accounts of the receipts and expenditures of each particular fund arising from special or general assessments, or otherwise, and shall make report of such receipts and expenditures, for the previous month, at each stated monthly meeting of the city council, making separate and specific reports of each account, and for any failure to do so he shall forfeit all compensation and percentage for services, for the month for which he shall so fail to make report.

SEC. 37. The city treasurer shall keep an office for the transaction of city business, in a convenient and central location, within the limits of the city.

## CHAPTER III.

### COMPENSATION OF CITY OFFICERS.

**SECTION—**

- 38. Salary of City Officers, how fixed.
- 39. Salary of Mayor, and what additional.
- 40. Salary of City Clerk, and fees.
- 41. Fees of Assessor and Collector, how paid.
- 42. Fees of City Treasurer, how paid.
- 43. Fees of City Attorney, how collected and when paid.
- 44. Salary of City Marshal and Police.

**SECTION—**

- 45. What Fees Police Constables, etc., may collect.
- 46. Salary of City Engineer.
- 47. Salary of City Comptroller.
- 48. Salary of Market Master.
- 49. Salary of Harbor Master.
- 50. Salary of Aldermen.
- 51. Salary of Fire Wardens.

**SEC. 38.** The officers of the city shall receive such compensation as is hereinafter provided, or as the city council may from time to time by ordinance direct.

**SEC. 39.** The mayor shall be paid a salary of \$500 per annum ; and if elected president of the board of public works, shall receive an additional compensation of \$1,000 as such president.

**SEC. 40.** The city clerk shall be paid a salary of \$1,500 per annum, to be paid in monthly installments ; and the following fees, viz.: for issuing license, one dollar ; for transferring license, one dollar ; for taking bond, one dollar ; for taking and certifying copies of ordinances, resolutions, or other matters of record in his office, fifteen cents for every hundred words ; for giving certificate under seal of the city, one dollar : *Provided*, he shall not be entitled to any of said fees when done at the request of and for the city.

**SEC. 41.** The assessor and collector shall be entitled to receive as a compensation for his services, five per cent. on all moneys received and paid over to the city treasurer by him, to the extent of \$10,000, and two per cent. on all sums over that amount: *Provided*, his compensation during his term shall not exceed the sum of \$1,500.

**SEC. 42.** The city treasurer shall be allowed as a compensation for his services five per cent. on all moneys received and disbursed by him by virtue of his office, to the extent of \$10,000, and two per cent. on all sums over that amount: *Provided*, that his compensation shall not exceed the sum of \$1,000 during his term of office.

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SEC. 43. The city attorney shall be allowed a conviction fee of two dollars and fifty cents (\$2.50) in all cases actually prosecuted by him, wherein the city is plaintiff, and judgment rendered for a penalty, and the penalty collected; the said fee to be taxed, allowed and collected as a part of the judgment against the defendant: *Provided*, the said attorney shall not be entitled to said fee unless the same is collected against the defendant, and in no case shall it be paid by the city; and *provided*, also, that in case of the absence or inability, for any reason, of the city attorney to attend to the prosecution of any case, or neglect or refusal to act, the mayor shall have authority to employ an attorney, temporarily, to attend to the city business during such absence or disability, neglect or refusal to act of the city attorney; the person thus employed shall be paid the conviction fees.

SEC. 44. The city marshal shall be paid a salary at the rate of \$75 a month, payable monthly; and the police constables \$60 a month each, excepting the captain, who shall be paid \$75 a month.

SEC. 45. The police constables, and all other officers authorized to make arrests under the ordinances of the city, shall be allowed and paid for all services rendered by them in pursuance of any authority conferred by city ordinances, double the fees that are now or may be hereafter allowed to county constables for similar services under the laws of the State; and, also, in addition thereto, twenty-five per centum of the amount of the fine or penalty recovered in each and every case, where the fine does not exceed twenty-five dollars, and ten per cent. on the excess of all fines over that amount, said per centage to be paid by the magistrate or court before whom it shall be recovered, to the officer or officers making the arrest in each case: *Provided*, such an amount shall, in no case, be paid or allowed by the city, unless the same shall actually be recovered from and paid by the defendant or defendants; and that costs shall in no case be paid by the city to said police constables or other officers.

SEC. 46. The city engineer shall receive a salary of \$2,000 per annum, payable in monthly installments, for the faithful performance of his duties.

SEC. 47. The salary of the city comptroller shall be \$1,500 per annum, payable in monthly installments.

SEC. 48. The market master shall receive a compensation of \$1,000 a year, to be paid at the end of each month.

SEC. 49. The harbor master's salary shall be \$1,000 a year, payable every month.

SEC. 50. The aldermen of the city shall each receive \$5.00 for their attendance at every stated, adjourned or special meeting of the city council.

SEC. 51. The fire wardens shall each, for the faithful discharge of their duties, be allowed the yearly compensation of \$100, to be paid in quarterly installments.

## CHAPTER IV.

### ELECTIONS.

#### SECTION—

52. General Election, when held.
53. Judges of Election, and Board of Registry, how appointed; who may be.
54. Clerk may be appointed; oath.
55. When no quorum of City Council, how election ordered.
56. Ballot Boxes; who shall provide, and how to be exhibited before election.
57. Mayor may appoint Special Police; when.
58. Power of the Judges to preserve order; what fine for disturbance, etc., at the polls.
59. Attempt to seize Ballot Box, how punished.
60. In case Ballot Box is seized, election void.
61. When Polls shall be opened; what shall be done after polls are closed; Candidates may be present at the counting.
62. After Count, what done.
63. Certified Statement of Judges.

#### SECTION—

64. What City Clerk's duties upon receipt of certified statement; meeting of Council.
65. City Clerk to make out Certificate of Election.
66. Poll Books made out by City Clerk.
67. Equal number of Votes cast for two persons for the same office, what the proceeding.
68. In case of refusal to draw or absent, who shall draw.
69. When election of Mayor or Aldermen is contested, what course to be followed.
70. In case the office of Mayor or Alderman becomes vacant, Special Election.
71. General State Laws applicable.
72. Fees of Judges and Clerks, while acting at an election, or as a "board of registry;" neglect to act, how punished.
73. When a poll shall be opened in every ward of the city.

SECTION 52. General elections in the city of Cairo, for city officers, shall be held on the last Tuesday of February, annually,

and of the time and place of holding such elections, and all special elections, four weeks' notice shall be given by the city clerk, by publication in the newspaper printing the ordinances of the city, or by posting written or printed notices in three public places in each ward of the city.

SEC. 53. There shall be appointed annually, by the mayor and city council, three judges of election for each ward, to superintend and conduct all city elections in their respective wards, who shall be citizens of the United States, and qualified voters of the city, and shall have resided in the city at least one year next preceding their appointment, who shall hold their office until the appointment and acceptance of their successors, and such judges appointed as aforesaid shall constitute a board of registry, and prepare a register of the voters of the city as is required by the State laws.

SEC. 54. The aforesaid judges may appoint some suitable person clerk, to assist them in preparing the register provided to be made by the foregoing section, and shall, on the day of election, before opening the polls, appoint two suitable persons, qualified voters of the city, to act as clerks of the election, who, together with the judges, shall take and subscribe an oath faithfully and impartially to discharge their respective duties, and no officer of the city or candidate for office, shall be judge or clerk of any election in the city.

SEC. 55. If from any cause it should be impossible to obtain a quorum of the council to order a general or special election, the mayor or city clerk may give the notice of the election without any special action by the city council.

SEC. 56. The city clerk shall provide a sufficient number of ballot boxes, at the expense of the city, for the several wards, each of which said boxes shall be furnished with a lock and key, and before any ballot shall be deposited therein, the same shall be publicly opened and exhibited, so that it may be seen that no ballot is in said box or boxes, after which the box shall be locked and the key delivered to one of the judges, and the same shall not be again opened during the election, except at its conclusion for the purpose of counting the votes.

SEC. 57. It shall be the duty of the mayor, if in his opinion it is necessary, to appoint and station at each place of holding an election, a sufficient number of special policemen to preserve order and decorum, and to enforce the lawful commands of the judges of elections.

SEC. 58. The judges of elections shall have power to preserve order at the polls, and to command the policemen or officers in attendance, or bystanders, to arrest and take before the police magistrates of the city, any person who shall, by violent or turbulent conduct, or in any other manner, interfere with, hinder, obstruct, disturb, or delay the judges or clerks in the discharge of their duties, or any voter in exercising the privilege of voting; and for every such offense the offender shall forfeit and pay a sum to the city of not less than ten nor more than one hundred dollars.

SEC. 59. Whoever shall, at any election, seize or attempt to seize any ballot box or poll book with the purpose of carrying the same off by force, shall forfeit and pay to the city a sum not less than one hundred dollars and not more than five hundred dollars.

SEC. 60. If a ballot box shall be seized and carried away at any election, so that the ballots therein contained cannot be counted, the whole election shall be thereby void, and a new election shall be held.

SEC. 61. The judges of election shall open the polls for the reception of votes at 8 o'clock a. m., and keep them open till 6 o'clock p. m., at which time they shall be closed. Immediately upon the close of the polls the judges shall proceed to open the ballot boxes and count out the ballots in the presence of any candidates, or the friends of any candidates selected by them, to the number of three, for that purpose, if they choose to be present, otherwise without their presence, and ascertain the number of votes given to each candidate voted for, and shall continue the counting of the ballots without intermission until all are counted.

SEC. 62. The ballots and one of the poll books and one of the registers shall, at the close of the count, be placed in an envelope and directed to the city clerk. The other poll book shall be placed in the ballot box, which shall be locked and sealed up and delivered by one of said judges to the city clerk at his office without delay.

SEC. 63. The judges shall make out a certified statement, to be attested by the clerks, of the aggregate number of votes given for each person voted for in the several wards of the city, which statement shall be sealed up and directed to the city clerk, and to him delivered as soon as possible after the votes are examined and counted.

SEC. 64. Immediately upon the receipt by the city clerk of the certified statements alluded to in the previous section, he shall notify the mayor and aldermen to meet at the usual place of meeting of the city council, and at the usual hour of holding their stated meetings, not later than three days after the election, at which meeting the city clerk shall lay before the city council the certified returns aforesaid, whereupon the said city council, after an examination thereof, shall declare and enter upon their journal the name of each person voted for at full length, the office for which he is voted for, and the aggregate number of votes given to each person, and who are elected.

SEC. 65. The city clerk shall, on the next day after the meeting of the city council as above provided for, or as soon thereafter as practicable, make out and deliver a certificate, under the seal of the city, and signed by the mayor, to each person elected, setting forth the office to which he is elected.

SEC. 66. The poll books of all elections, and the necessary certificates in blank, shall be made out by the city clerk and delivered by him to one of the judges of election in each of the wards of the city.

SEC. 67. Whenever it shall be ascertained that there is an equal number of votes given to two or more persons for mayor or alderman, it shall be the duty of the city council, at the special meeting aforesaid, to place in a box, or some convenient place, as many ballots as there are persons having an equal number of votes, and on one only of the ballots shall be written the name or style of the office for which such persons were voted for; and from which box or other convenient place such persons so having an equal number of votes, shall each draw one ballot; and the person drawing the ballot on which the name or style of the office is written, shall be the mayor or alderman elected.

SEC. 68. In case any such person or persons are absent or refuse to draw a ballot as aforesaid, if for an alderman, then the mayor shall draw a ballot or ballots for such person or persons; and if for mayor, then any alderman designated by the city council shall draw the ballot or ballots for such candidate or candidates.

SEC. 69. Whenever the election of mayor or alderman shall be contested, it shall be the duty of the person or persons so contesting, to notify the person having the certificate of election, and the mayor or the city clerk in writing; and upon such notice being so filed it shall be the duty of the mayor to call a meeting of the city council within five days from the giving of such notice; at which meeting the city council shall examine the testimony under oath which may be offered touching the case, and shall determine who is entitled to the place contested. And whenever the election of mayor is contested, the city council shall appoint one of the aldermen to preside at any meeting held for the purpose of taking testimony and determining such contest; and the mayor or presiding officer of the council may issue, under the seal of the city, process to procure the attendance of witnesses.

SEC. 70. In case the office of mayor or any one or more aldermen become vacant, it shall be the duty of the city council forthwith to order an election to fill such vacancy, unless from some cause it may not be considered necessary to do so; and in all elections in the city the person receiving the greatest number of votes for any office shall be declared duly elected.

SEC. 71. Except, as is hereinbefore provided for, the manner of conducting, regulating and voting at all elections in the city, shall be the same as now or may hereafter be provided by law, at state general elections in this state.

SEC. 72. Judges and clerks, while acting at the election, and as a board of registry, shall be paid five dollars for each day they may be actually engaged in holding and conducting any election, or act as such board of registry; and the city clerk may draw orders on the city treasurer for the same in favor of the persons entitled thereto, and any one appointed judge of election, who, being notified thereof, and who shall willfully fail and refuse to perform

the duties of such judge of election, shall forfeit and pay a sum not less than ten dollars nor more than fifty dollars for each offense.

SEC. 73. At all general elections a poll shall be opened in each ward of the city, but in special elections for general officers, one poll may be held in a central location, at which all votes shall be received.

## CHAPTER V.

### FIRES.

#### SECTION—

74. How Stovepipes, etc., shall be set up; general regulations; what fine in case of neglect.
75. Carrying Candle where hay, etc., otherwise than in lantern, how fined.
76. Depositing Ashes within twenty-five feet of any building, how fined.
77. Stacking Hay, etc., within one hundred feet of any building, how fined.
78. Burning Shavings, etc., within fifty feet of any building, what penalty for.
79. Burning out Chimneys, what may be done; fine.
80. Scuttles, when they must be made; what fine in case of neglect.
81. Negligence in Kindling, etc., Fire likely to cause damage; how fined.
82. Placing Shavings in the Street, what penalty for.
83. Fire Wardens to examine buildings, when.
84. What shall be the Fire Department.
85. Mayor Chief Engineer, *ex officio*.
86. Assistant may be appointed, when he shall act.
87. When Members of the Fire Department shall meet.
88. Fire Companies to be under control of Chief Engineer, when.
89. Mayor, etc., to have full authority at fires; fine for disobedience of his orders.
90. Mayor may grant permission to Fire

#### SECTION—

- Company to leave city temporarily; fine for leaving without such permission.
91. Officer of Fire Department disobeying, what penalty for.
92. Tearing down of Building, when it may be ordered, and by whom; fine.
93. Duty of Police at time of Fires; those refusing to aid at fires, how fined.
94. City Police, Fire Wardens, etc., must wear badge of office before fine can be sued for.
95. Injuring Fire Engines; how punished.
96. Opening or Defacing Cisterns, what penalty for.
97. Placing Building Material near cisterns; fine.
98. When cisterns may be built.
99. Fire Wardens, how appointed, their duties; fine for disobeying their orders.
100. Duty of Fire Wardens when information is given of offenses.
101. What shall be known as the Fire Limits.
102. No Wooden Building hereafter to be erected within; penalty for violation.
103. Enlarging or removing wooden building in Fire Limits prohibited.
104. Whoever aids in erecting a wooden building, to what fine liable; *proviso*.
105. Wooden buildings declared a nuisance; what the fine for building, or aiding in building.

SECTION 74. All stovepipes shall be securely put up, so as not to be in danger of falling, and shall run and be closely fitted into a

brick or stone flue or chimney, unless a fire warden of the ward in which the stovepipe is located shall deem it to be equally safe if put up otherwise, and shall certify the same in writing. If any stovepipe shall run otherwise than into a chimney or flue, it shall not pass through any roof, nor the side of any building, nor through more than one ceiling or partition before leading into a chimney or flue, and shall be separated at least three inches from any wood or other combustible material, by a double circle of tin, zinc, or sheet-iron, connected together with like metal, with air holes through the connecting metal between the pipe and the wood. All stoves put up or used without secure aprons or hearths shall be placed upon a platform of brick, zinc, or other incombustible material, extending far enough around the same to prevent the fire from falling upon the floor, and if set within eighteen inches of the wood work of any wall, the wall shall be protected with a zinc, tin, or other incombustible covering, so as effectually to prevent taking fire from the stove. All chimneys or flues shall be built of brick or stone, well laid in lime mortar, and shall be smoothly plastered on the inside thereof, and shall be constructed in such a manner as that they shall settle with the rest of the building, and not be liable to separate or crack by the settling of the same. The holes for the insertion of stovepipes shall be made with an iron, stone or earthenware thimble or casting inserted into the chimney or flue, and when the chimney or flue shall be used, such holes, unless also in use, shall be securely stopped with a tin, iron or zinc stopper, having a flange of at least one inch outside of the chimney or flue. No chimney or flue built in any loft shall be used unless there are stairs leading to such loft, or it is otherwise easy of access at all times. Any person who shall put up any stove or stovepipe, or erect or build any chimney or flue, contrary to the requirements of this section, shall forfeit and pay to the city a sum not less than five dollars, nor more than fifty dollars, and whoever shall use any such stovepipe, stove, or chimney or flue, so put up or erected contrary to the requirements of this section, shall forfeit and pay to said city a sum not less than three dollars, nor more than ten dollars for each and every day the same may be so used, and it shall

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be the duty of the fire warden of the different wards, to examine the different buildings within their wards during the month of October in each year, and report all violations of this section to the city attorney for prosecution.

SEC. 75. Every person who shall carry or use any lighted candle, lamp, or fire in any part of any building, woodshed, or stables, where any hay, straw, shavings or other like combustible materials are kept or allowed to accumulate, without securing the same in a lantern or other secure casing, so as not to endanger the taking fire thereby, shall forfeit and pay to the city a sum not less than three dollars, nor more than ten dollars, for each and every offense.

SEC. 76. No person shall keep or deposit any ashes in any building or in any place within twenty feet of any building, shed, fence or other combustible material, unless within a secure and covered metalic or earthenware or other fire-proof ash house, without wood in any part thereof; and whoever shall violate the provisions of this section shall forfeit and pay to the city a sum not less than three dollars, or more than ten dollars, for each and every offense.

SEC. 77. No person shall stack or deposit hay, straw or other like combustible materials within one hundred feet of any dwelling house, or other building in which fire may be kept, without being so secured and inclosed as to be protected from sparks of fire; and every person who shall violate the provisions of this section shall forfeit and pay to the city a sum not less than three dollars, nor more than ten dollars for each and every offense, and also three dollars for each and every day the said hay, straw, or other combustible material may remain so stacked or deposited.

SEC. 78. No person shall set fire to or burn any shavings, hay, straw, or other combustible materials, or boil any pitch, resin, tar, or other inflammable liquid or substance in any open place within fifty feet of any building or other property likely to be endangered or damaged thereby, or use any fire in any building unless in a secure stove, furnace, or fireplace; and every person who shall violate the provisions of this section shall forfeit and pay to the

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city a sum not less than five dollars, nor more than twenty dollars, for each and every offense.

SEC. 79. No person shall set fire to or burn out any chimney or flue except in the day time and when it may be raining on the roof of the house in which such chimney or flue may be located, or when the same may be covered with snow; and every person violating the provisions of this section, or permitting or allowing any other person to burn out any flue or chimney used by him or her, at any other time than herein named, shall forfeit and pay to the city a sum not less than five dollars, nor more than twenty-five dollars, for each and every offense.

SEC. 80. The owner or occupier of every building not covered with fire-proof material, and exceeding one story in height, shall cause a suitable scuttle or opening to be constructed in the roof thereof, with convenient stairs leading thereto, or shall provide and keep upon the premises a substantial ladder long enough to reach the roof of such building, or shall provide some other convenient means of access to the same; and whoever shall fail to comply with the provisions of this section shall forfeit and pay to the city a sum not less than five dollars, nor more than twenty dollars, for each and every offense, and shall also forfeit five dollars for each and every week he or she shall fail to comply with the requirements of this section.

SEC. 81. Every person who shall negligently or willfully make, kindle, use, or leave any fire, or shall deposit, leave or use any ashes or other dangerous, combustible or inflammable material, liquid, or substance, or shall leave or use any lighted candle, lamp, or other light at such a time or in such a manner as to cause damage or injury, or to endanger any building or other property likely to be damaged or injured by such negligent or willful act, shall forfeit and pay to the city a sum not less than five dollars, nor more than fifty dollars for each and every offense.

SEC. 82. It shall not be lawful for any person, owner, builder, or occupant of any building, either occupied or in course of erection, within the city limits, to place shavings or other like combustible material, or cause the same to be placed, in any street

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or avenue of the city, or on any lot where it is liable by fire to cause damage to any building situated thereon, for a longer period than ten hours, and every person who shall so violate this section, shall forfeit and pay to the city a sum not less than twenty dollars for each and every day he may so offend.

SEC. 83. It shall be the duty of the fire wardens of the different wards, on such days as may be designated by resolution of the fire department, to examine all buildings and premises within the city, to ascertain if they are in a safe condition, and if the requirements of this chapter have been complied with, and for this purpose the said fire wardens shall have power and authority to enter into and upon all buildings and premises in said city.

#### FIRE DEPARTMENT.

SEC. 84. The fire department of the city shall consist of the mayor, aldermen, city marshal, chief of the night police, president of each organized fire company, and the two fire wardens of each ward.

SEC. 85. The mayor shall *ex-officio* be chief engineer of the fire department till otherwise provided by ordinance, and his orders during a time of fire shall be supreme.

SEC. 86. There shall be appointed an assistant engineer, who shall be chosen from the members of the fire department, and in case of the absence of the mayor in times of fire, he shall assume the duties of chief engineer, and his orders shall be obeyed.

SEC. 87. The members of the fire department shall meet at least once in three months, and having chosen a chairman and secretary from among their number, adopt such rules and regulations for their own government and that of the different fire companies of the city, going to and from and while at a fire, as they may deem best for the public good, and not in conflict with the ordinances of the city now in force, or which may be hereafter passed.

SEC. 88. All fire companies or associations shall be under the control of their respective officers, subject to the order of the chief engineer and his assistant, when on duty; and in case of the absence

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of the chief engineer and his assistant at a fire, the officers of the respective fire companies shall place and work their apparatus in the most effectual manner until the fire is extinguished, and shall not remove their apparatus from the place of the conflagration unless allowed to do so by the rules of the department, under a penalty of one hundred dollars, the same to be collected from the officer in command of said company.

SEC. 89. The mayor, or person acting as chief engineer, shall have full control at fires of all fire companies and associations, who are laboring for the public good, and any person or persons disobeying his orders shall, on conviction thereof, be fined in a sum of not less than twenty-five dollars, nor more than one hundred dollars.

SEC. 90. The mayor, as such chief engineer, shall have power, in his discretion, to grant permission to any fire company to go, with their respective apparatus, beyond the limits of the city, and to be absent such length of time as he may direct, and any officer in command of any company, who shall suffer or permit the engine or other apparatus in charge of said company to be taken out of the city without such permission, shall forfeit and pay for such offense a penalty of not less than twenty dollars, nor more than fifty dollars, to the city, besides being liable for the damage that may occur by reason of such absence of said apparatus.

SEC. 91. If any officer in charge of any branch of the fire department shall refuse to obey any order of the chief engineer, or any private member refuse to obey any superior officer, he or they shall be fined, in the former case twenty-five dollars, and in the latter ten dollars.

SEC. 92. The engineer in command, or in the absence of all the engineers, any two fire wardens, together with three members of the city council, may direct and order the cutting, tearing down and moving away of any building, outhouse, fence, etc., for the purpose of checking the progress of a fire, and any person attempting to hinder them in the discharge of their duties shall forfeit and pay a fine of fifty dollars.

SEC. 93. It shall be the duty of all police officers, together with the fire wardens, to repair immediately upon an alarm of fire to the

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place of fire, and report themselves, and remain subject to the orders of the chief engineer or his assistant, and to do police duty, and to aid in protecting property and in extinguishing the fire, and to require all bystanders, if necessary, to manage and work all fire engines working at the fire, and to assist in removing, guarding and protecting property. Any person who shall refuse or neglect so to aid and assist when so required, shall forfeit and pay, for the use of the city, a sum not less than five dollars, nor more than fifty dollars.

SEC. 94. All police officers, fire wardens and officers of any fire department, must wear a badge of office at the time of fire, to designate their authority before suit can be brought for a violation of the previous section.

SEC. 95. Any person or persons, who shall injure any of the fire engines belonging to or in the public use of the city, or take, use or destroy any personal property belonging to any fire company, or any of the apparatus thereunto belonging, or shall place any obstructions in the way, so as to hinder in any manner the free access to the apparatus, or shall remove any of the hooks, ladders, or other apparatus, from their proper place of deposit, without the consent of the proper officer in command, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars, for each and every offense.

SEC. 96. It shall not be lawful for any person or persons to open any of the public cisterns for any purpose whatever, except in time of fire, or for washing, cleaning, or exercising the engines belonging to the fire department; and whoever shall abuse, impair, injure or corrupt any of the public cisterns, shall, on conviction thereof, forfeit and pay a fine not exceeding one hundred dollars.

SEC. 97. It shall not be lawful for any person to place any building materials or any other obstructions, whatever, within eighteen feet of the center cap of the cistern, and any person so offending shall be fined in any sum not exceeding twenty dollars.

SEC. 98. Whenever the owners of property, or other persons interested, shall petition the city council to build a public cistern at the intersection of any of the streets, or at any other point within

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the city where there is no public cistern, and shall pay into the city treasury the sum of two hundred dollars towards the expense of constructing the same, it shall be the duty of the council to cause said cistern to be constructed in such manner, and upon such terms as shall by resolution be adopted: *Provided*, in the opinion of the council, said cistern is properly located, and it is expedient to construct the same.

SEC. 99. There shall be appointed two fire wardens in each ward by the mayor, by and with the consent of a majority of the city council, who are authorized to enter any house or building, lot yard or premises in the city, between sun rising and sun setting, on any day of the week, for the purpose of examining any fire-place, hearth, chimney, stove, or stove pipe, oven, boiler, kettle or other apparatus or fixture which may be dangerous in causing or promoting fires, and when any danger shall appear from any apparatus, as aforesaid, of fires taking place, they shall or either of them may direct, in writing, the owner, agent, or occupant of the premises containing the dangers aforesaid, to remove, alter or amend the same, in such manner, and within such time as they or either of them may deem reasonable and just; and any person who shall resist the entrance of the fire wardens, as aforesaid, into any premises aforesaid, or shall neglect or refuse to attend to the directions given for altering, amending or removing any of the dangers aforesaid, shall forfeit and pay on conviction, a sum not exceeding fifty dollars, and an additional sum of ten dollars for every twenty-four hours such danger shall remain, after reasonable time is given as aforesaid.

SEC. 100. It shall be the duty of the fire wardens, when proper information is given to either of them, of any offense against any of the preceding provisions of this chapter, to lodge complaint before the proper officer forthwith for prosecution.

#### FIRE LIMITS.

SEC. 101. All that part of the city embraced within the following blocks, to wit: Blocks one, two, three, four, five, six, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six,

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twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-five, thirty-six, thirty-seven, thirty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, and fifty-four, in the city of Cairo, shall hereafter compose and be known as the fire limits of said city.

SEC. 102. No wooden building or structure shall be commenced to be erected, and no wooden addition to any building or structure now erected, shall be put up and added to such building or structure except as hereinafter provided within the said fire limits: *Provided*, that any wooden structure or building not exceeding eight feet square and ten feet in height, may be erected or placed upon any of the lots or blocks within said limits.

SEC. 103. No wooden building or part of building within the fire limits shall be enlarged or removed to any other place within said limits; nor shall any such building be removed into the fire limits.

SEC. 104. Any owner, builder, or other person, who shall own, build or aid in the erection of any building or structure, or addition to any building or structure within said fire limits, contrary to the provisions of this chapter; or shall remove or assist in removing any wooden building within said limits, from one place to another therein, or who shall remove or assist in removing any such building from without said limits into the same, contrary to the provisions of this ordinance, shall forfeit and pay, for the use of said city, not less than twenty-five nor more than one hundred dollars for each and every offense, and the owner or owners of said building shall forfeit and pay a like sum for every forty-eight hours that he, she or they fail to remove the same from within said fire limits: *Provided*, That any building in part destroyed at a conflagration, if the damage caused exceed not fifty per cent. of the total value, may be repaired.

SEC. 105. Any wooden building or structure which may be erected, enlarged or removed contrary to this ordinance shall be deemed, and is hereby declared to be a nuisance, and upon information it shall be the duty of the Mayor, after three days' notice to the owner or builder thereof to abate the same, and by an order in writing to require the city Marshal to raze such building to the

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ground. The expenses of the removal of such building shall be reported by the city Marshal for assessment, and may be collected off of the owner of such building or structure by suit brought before the Police Magistrate of said city, or other competent court, in the corporate name of said city.

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## CHAPTER VI.

### GRADES.

#### SECTION—

106. What the grade; where.  
107. Grade of certain streets.

#### SECTION—

108. Grades of sidewalks hereafter fixed.

SECTION 106. The highest natural ground at the corner of Commercial avenue and Sixth street, the same being designated by a monument of stone, fixed and established in a secure situation, in the neighborhood of the intersection of said Commercial avenue and Sixth street, on which monument said elevation is permanently indicated, shall be and the same is hereby designated as the grade to which the streets of the city shall be filled.

SEC. 107. The grade of Second, Fourth, Sixth, Eighth, Tenth, Twelfth, Fourteenth, Eighteenth and Twentieth streets from Levee street to Commercial avenue shall be uniform, and the grade thereof and sidewelks shall correspond with the grade of said Levee street and Commercial avenue at the points of intersection thereof respectively.

SEC. 108. All sidewalks hereafter constructed, excepting that on Levee street, shall be laid to the grade now established as the grade of the streets of the city.

## CHAPTER VII.

## HARBOR.

## SECTION—

- 109. Duties of the Harbor Master.
- 110. To provide ring-bolts, etc.
- 111. Steamboats to have preference in landing.
- 112. Wharfage, amount of; how to be collected.

## SECTION—

- 113. Wharfage of flat and keel boats, amount of.
- 114. What deduction for regular steamers.
- 115. What the fine if any other body corporate, etc., collect wharfage.

SECTION 109. It shall be the duty of the harbor master: 1. To direct the landing and stationing of all water crafts arriving at any point on the river bank, within the corporate limits of the city, and to superintend the discharge and removal of their cargo, so as to prevent interference between different vessels and their cargoes; to superintend the arrangement of merchandise and materials for repairs, so that the same shall occupy as little space as possible; to see that all combustible materials on the river bank are sufficiently protected from fire, to keep the wharf and river bank along the shore free from improper obstructions, to keep in repair the ringbolts provided for the fastening of vessels; to regulate and control, by proper rules, to be established and published, all vehicles traversing the wharf; and generally to exercise complete supervision and control over the wharf, river bank, landing and Levee street.

2. To register, in a suitable book, the date of arrival and departure of every water craft, except wood and coal boats, with its name, and tonnage by custom house measurement, the name of its master, the place from whence it came, and its destination, and to report the same with the wharfage amount to the city council, under oath, on the last Saturday of each month; and on Saturday of each week pay to the city treasurer all moneys collected by him during the week.

3. To keep regular accounts in suitable books, of all moneys received by him on account of the city, and paid into the city treasury.

SEC. 110. The harbor master shall, under the direction of the mayor, provide, at the expense of the city, suitable posts and ring-

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bolts for boats and rafts to make fast to, and keep the same in repair, and charge the city with the expenses thereof, which shall be allowed in the settlement of his accounts.

SEC. 111. Steamboats shall have the preference in landing at the wharf or landing over vessels and rafts, but no vessel or raft, while receiving or discharging a cargo, or being broken up, shall be compelled to leave its place to give room for a steamboat.

SEC. 112. The harbor master shall collect from each boat employed in trade, except flat-boats, keel-boats, ferry-boats, wood-boats and coal-boats, which shall come within the harbor of the city, and land at the wharf or landing, or be made fast thereto, or to any boat thereto fastened, or shall receive or discharge any freight or passengers in the city, three cents per ton, for the first hundred tons, two cents for the second, and one cent for the third and residue of the boat's burden by custom house measurement, provided that the harbor master is satisfied that the enrollment of such steamboat or barge is correct; and if not so satisfied he shall re-measure such steamboat or barge according to the rules and regulations of the United States, and collect wharfage according to said measurement; and any person having in charge any such steamboat or barge, who shall refuse to permit such harbor master to measure any such steamboat or barge, shall forfeit and pay not less than fifty nor more than two hundred and fifty dollars, for each and every refusal.

SEC. 113. From flat and keel-boats coming into the harbor as aforesaid, such officer shall collect for the first day one dollar, and each subsequent day fifty cents.

SEC. 114. The harbor master shall make the following deduction from the regular established rates of wharfage on all steam-boats making regular trips as packets between the city of Cairo and all other ports, oftener than once a week, viz.: on every boat leaving the city daily, sixty-six and two-thirds per centum; on those leaving every other day, thirty-three and one third per centum; and on those leaving twice a week, twenty-five per centum.

SEC. 115. Any person or persons, corporation or body politic, except the harbor master, who shall hereafter ask, demand or

receive, within the limits of the city of Cairo, any sum or sums of money, or any other valuable thing, of the agent, master, owner or owners of any steamboat or other water craft, for the privilege of either landing or laying at the wharf of Cairo, and within said city limits, shall forfeit and pay to the city for every such offense, a sum of not less than fifty dollars, nor more than one hundred dollars, to be recovered in an action for debt before any justice of the peace, or any court having jurisdiction thereof.

## CHAPTER VIII.

### JAIL AND JAILER.

#### SECTION—

116. What city jail; where.
117. Duty of the city jailer.
118. When person committed to jail has no money to pay fine, etc., how to be provided for.
119. Fee of the city jailer.
120. City Council to be furnished with a list of the prisoners, when, and by whom.
121. When costs of maintenance shall be collected, and how.
122. If attempts made to escape, what penalty.
123. Prisoners may be compelled to work on the streets, when.
124. Ball and chains, how procured.
125. Prisoner arrested for violating ordinances, etc., to be taken before a Police Magistrate at once, etc.

#### SECTION—

126. Police Magistrate to report fines collected, at every meeting, etc.
127. Who shall visit the jail; when.
128. Jail to be kept for the detention of what prisoners only.
129. Fine for violating the provisions of this chapter.
130. What particulars the bill of jailer for allowance of pay for feeding of prisoners, etc., must contain.
131. Duty of Attorney in regard to the city jail; his certificate to city jailer's bill.
132. What the mittimus of Police Magistrate must contain; when jailer may refuse to take prisoner.
133. In case of the removal of jailer, if he refuse the keys, etc., of jail; penalty.
134. Duty of whom to visit the jail.

SEC. 116. The building erected on lot 14, in block 48, city of Cairo, owned by the city, shall be the city jail, and such person as may have been or hereafter may be appointed by the city council, shall have the charge, custody and keeping of the said city jail and of all prisoners in such jail, and be the city jailer, and as such shall have the use and occupation for his own family during his continuance in office, of the rooms comprising the jailer's apartments, in the jail building.

SEC. 117. It shall be the duty of the city jailer to receive from any of the city officers, and confine in said jail, all persons who shall be apprehended by such officers, or who shall be committed to such jail by any competent authority, until discharged by due course of law.

SEC. 118. Whenever any person committed to the city jail is unable to buy or procure necessary food and drink, the city jailer, under the direction of the jail committee, shall provide such prisoner with the same, for which he shall be allowed a compensation as hereinafter provided. And if, from inclemency of the weather, the sickness of the prisoner, or other cause, the city jailer shall be of opinion that additional clothes or bedding are necessary for such prisoner, and such prisoner shall be unable to obtain or procure the same, the said city jailer, under like direction, shall furnish the same, and be paid therefor out of the city treasury.

SEC. 119. The said jailer shall be allowed to demand and receive as a fee for receiving each prisoner, fifty cents, and for discharging each prisoner, fifty cents, and seventy-five cents per day as board for each and every day he furnishes said prisoners with good, but plain and wholesome food and drink, and the police magistrate is hereby authorized to make it a part of his judgment, in all cases, that the prisoner shall be fed on bread and water only.

SEC. 120. It shall be the duty of the city jailer to furnish to the city council, at each stated meeting, a list of the prisoners received and discharged, and of the extra supplies furnished them since the previous stated meeting, and in default of furnishing said list, the said jailer shall not be entitled to receive any fee for his services as jailer during said month.

SEC. 121. All fees for committing or releasing any prisoner, and all sums expended for drink or food, shall be collected of the person committed, and shall form a part of the cost or judgment against the same, on conviction of the offense for which such person was committed. If the person convicted be unable to pay the amount expended for food and drink as above, the fees therefor shall be paid to the jailer by the city, but in no event shall the other jail fees be paid by the city.

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SEC. 122. If any person shall attempt to aid the escape of any prisoner from the city jail, by furnishing the prisoner with any instrument or other thing, the same shall forfeit and pay for the use of the city a sum not less than twenty dollars, nor more than one hundred dollars.

SEC. 123. Every person upon whom any fine or penalty has been or shall hereafter be imposed under any of the city ordinances, and who shall have been or shall hereafter be committed to the city jail, in default of the payment of said fine or penalty and costs, shall be required to work and labor upon the streets and avenues of the city during the term of his imprisonment, provided such labor is made a part of the judgment of the court committing him; and the city jailer is hereby authorized, empowered and instructed to require every such person to work and labor for such period during each day as he may deem expedient, not exceeding twelve hours in any one day, in cutting out and removing the stumps, cutting down the weeds and cutting up the logs in the streets and avenues of the city, or removing other obstructions, or making other improvements in the streets, as may be directed by the street committee: *Provided*, for the time he shall be so occupied in superintending such work, the city jailer shall be allowed and paid at the rate of two dollars per day.

SEC. 124. The city jailer is hereby authorized to procure, at the expense of the city, a sufficient number of balls and chains, not exceeding six of each, and fasten them to the prisoners laboring on the streets under this chapter, whenever, in his judgment, the security of the prisoners require it to be done.

SEC. 125. It shall be the duty of all officers making arrests under the authority conferred by the city ordinances, to take the prisoners arrested immediately before the police magistrate or other committing magistrate, for examination, if the arrest is made during office hours in day time. If the arrest is not made during such office hours, the officer making the arrest shall take such prisoners before the police or other magistrate as soon as practicable after his office is open for business; and in the meantime the prisoners may be committed to the city jail for safe keeping.

SEC. 126. It shall be the duty of the police magistrate, at each stated meeting of the city council, to report all fines collected by him, and all persons brought before him for examination and discharged, or committed by him to the city jail, since the previous stated meeting of the board, and the offenses charged in each case; such report to contain the name of the party from whom the fine was collected, and the amount, the name of the party committed, the date of the imposition of the fine and of the commitment, and the length of time for which the commitment was made, and the name of the party discharged without commitment. It shall also be the duty of all officers authorized to make arrests under the ordinances of the city, to make similar reports of all parties arrested by them and committed to the city jail or discharged without commitment; such reports to contain the names of the prisoners, the dates of arrest and commitment, and the offenses for which the arrests were made.

SEC. 127. It shall be the duty of the city marshal or other officer, to be designated by the mayor, to visit the city jail at least once in every twenty-four hours, between sunrise and sunset, and, in person, direct the discharge from jail of all persons legally entitled to such discharge, and, in case of inability of the said officer to attend to this duty from sickness, physical disability or unavoidable absence from the city, it shall be lawful for the city jailer to discharge said prisoner or prisoners. The city marshal, or officer appointed to discharge said prisoner, shall report to each stated meeting of the city council the names of the persons so discharged by him, or by others during his absence, since the previous stated meeting, and the date of the discharge.

SEC. 128. The city jail shall be used for the detention and safe-keeping of prisoners arrested under and by virtue of the city ordinances alone, and it shall be appropriated to no other use or purpose except by the express permission of the jail committee or the mayor of the city, and all the additional clothes or bedding furnished hereafter to prisoners, shall be furnished upon the written order of the jail committee alone.

SEC. 129. For every violation of any of the provisions of this

chapter, the offender shall forfeit and pay to the city a sum not less than fifty nor more than one hundred dollars.

SEC. 130. Hereafter it shall be the duty of the keeper of the city prison, when he presents his bill for allowance to the council for keeping persons committed to his custody, to show for what particular offense the prisoner or prisoners each are committed, and by what justice or magistrate, and before presenting the same he shall procure the certificate of the city attorney, to said bill or bills, showing whether the person or persons confined were committed for violations of the ordinances of the city, or if for any other offense said certificate shall show that the prisoner for whose keeping said jailer presents his charge, was, at the time of committing the offense for which he stands committed, a citizen of this city, and that the accounts are just and correct.

SEC. 131. It shall be the duty of said attorney, whenever the jailer of the city shall present a bill or bills to him for his certificate, under the foregoing section, to ascertain by diligent inquiry into the fact, whether the prisoner, (for keeping whom said charges are made,) was or not committed for violations of the city ordinances, or, if not then, whether the said prisoner or prisoners were, when committed, citizens of this city, and whether they were actually convicted during the time charged; and until the official certificate aforesaid is furnished, attached to said bills, no order shall be issued in favor of the jailer for the same.

SEC. 132. Hereafter, whenever any justice of the peace within this city shall commit any person to the custody of the city jailer, it shall be his duty in said mittimus, or warrant of commitment, to state and specify for what offense the party is committed, whether for a breach of the ordinances of the city or not; and, in case he be committed for any other offense than a breach of ordinance, then said justice, before he shall commit said person to the city jail, shall ascertain and certify or state the fact that the party committed is a citizen of the city, and, on failure of said justice to certify and state the facts as herein provided in said mittimus, it shall be the duty of the city jailer to refuse to receive said prisoner.

SEC. 133. In case of his removal by the city council or

suspension by the mayor, the jailer shall deliver up possession of the jail to the mayor, or jail committee, and in case of neglect or refusal to do so, said jailer shall forfeit and pay to the city of Cairo two hundred dollars for each and every day he shall so neglect or refuse after demand or application at the jail door, made by said mayor or jail committee.

SEC. 134. It shall be the duty of the Committee on Police and Jail to visit the city jail once at least in each month, and report the condition of the jail building at each regular meeting of the city council following.

## CHAPTER IX.

### LICENSES.

#### SECTION—

135. How licenses shall be signed and issued; not transferable.
136. License Book to be kept by the City Clerk.
137. Licenses taken out to be governed by subsequent ordinances.
138. Auctioneers; penalty.
139. Amount of license; bond; *proviso*.
140. Banks and Brokers; amount of license; penalty.
141. Billiards, pin-alleys and pigeon hole tables, to be licensed.
142. Amount of license.
143. Penalty for violating previous section.
144. Butchers; license; penalty.
145. Draymen; penalty.
146. Amount of license.
147. For how long License may be Granted.
148. Bond; how conditioned.
149. Dray, etc., to be registered and numbered.
150. To whom chapter shall not apply.
151. Penalty for overcharging.
152. Drays to have Number painted in a conspicuous place.
153. Gunpowder; License; penalty.
154. Insurance Agents must take out license.
155. Amount of license.

#### SECTION—

156. Penalty for violating the previous section.
157. Merchants and Traders must take out a license; fine; retail dealers whose stock not assessed.
158. No person not already licensed allowed to do business without procuring a merchant's license; amount.
159. Pawnbrokers; license; neglect to procure.
160. Who a Pawnbroker.
161. To whom license may be granted; amount of license; bond.
162. Clerk to keep a register of pawnbrokers, etc.
163. What duties of pawnbroker.
164. Books of to be open to inspection of certain officers; fine for refusal, etc., to submit books.
165. To receive no pawn from minors, etc.; penalty.
166. Peddler, who deemed.
167. License; penalty.
168. How peddler's license granted, etc., etc.
169. License to peddle books, etc.
170. Fraud of peddler's, how punished.
171. Chapter not to apply to farmers, when.

## SECTION—

- 172. If peddler use a vehicle, what he must do; penalty.
- 173. Porter's license; penalty.
- 174. License, how granted; parties to wear badge.
- 175. Charges of Porters.
- 176. Runners' licenses; penalty.
- 177. To wear a badge.
- 178. Runner permitting other persons to wear his badge; what the penalty.
- 179. Using boisterous language, etc., how fined.
- 180. How license may be procured; what the amount, etc.
- 181. License for keeping a saloon, etc.; penalty for violating section.
- 182. How license may be granted; bond.
- 183. What the amounts of license; in what money to be paid.
- 184. What statements license shall contain; not transferable.

## SECTION—

- 185. Keeping open on Sunday; what fine.
- 186. When saloons may be closed; by whom.
- 187. For what money arising from grocery licenses shall be set aside.
- 188. Selling goods by sample.
- 189. Shows, Theatres, etc., license for.
- 190. Organ-grinders, etc., what license they shall pay.
- 191. What the amount of license for circus, etc.
- 192. Traveling Vendors of Patent Medicines must have license, etc.; penalty.
- 193. Wharf Boats; amount of license.
- 194. What penalty.
- 195. Keeping Tavern or Saloon on boat; how licensed; violation of section, how punished.

SECTION 135. Every license authorized to be issued by the provisions of this chapter shall, upon presentation of the city treasurer's receipt, be issued by the city clerk, signed and attested by him and the mayor, and have the seal of the city attached thereto, and shall not be transferable from one to another.

SEC. 136. It shall be the duty of the city clerk to keep a license book, in which shall be recorded the name of the party to whom the license is given, the date of the license, the time when it expires, and amount paid for it, and purpose for which given, and when given for a dray, wagon, cart, or other vehicle, the number of the same, and if for a grocery, the lot and block, and if possible the building in which the same is kept.

SEC. 137. All persons taking out licenses under the provisions of this chapter shall be subject to and governed by the ordinances of the city now in force, or which may be hereafter passed in relation to any of said licenses, or to the business connected therewith; and in the bonds given by parties receiving licenses a provision to that effect shall be inserted, and all bonds taken shall be approved by the city clerk unless otherwise provided for by this chapter.

## AUCTIONEERS.

SEC. 138. It shall not be lawful for any person within the city to exercise the business, trade or vocation of auctioneer, nor to sell or vend at public auction, or outcry, any goods, wares or merchandise, without having first obtained a license therefor, provided, that public officers and trustees acting under appointment of law, shall not be considered as within the provision of this ordinance. And every person violating the provisions of this section shall forfeit and pay to said city a sum not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

SEC. 139. Any person desiring to follow the business of an auctioneer in the city of Cairo may do so, by taking out a license upon the following conditions, viz.: for the period of one year upon payment of two hundred dollars, or for the period of three months at fifty dollars, the party so taking out license entering in bond to said city, with good and approved security, in the sum of five hundred dollars, conditioned for the observance of all ordinances now in force, or hereafter to be passed, regulating the duties and business of auctioneers: *Provided*, that any one permanently embarked in the business of auctioneer and having auction-rooms may employ an auctioneer to sell for him at his rooms without taking out an additional license.

## BANKERS AND BROKERS.

SEC. 140. Every person, copartnership of persons or body corporate following or exercising the business of a banker or broker in the city of Cairo, shall procure a license therefor, by paying one hundred dollars per annum into the city treasury. Every person, copartnership of persons or body corporate, violating the provisions of this section shall forfeit and pay, for the use of the city, a sum not less than one hundred dollars, nor more than five hundred dollars, for each offense.

## BILLIARDS, PIN ALLEYS, ETC.

SEC. 141. It shall not be lawful for any person or persons within the city of Cairo to keep and use a billiard table, bagatelle

or pigeon-hole table, or pin alley, without first obtaining a license therefor.

SEC. 142. Before license shall be granted to any applicant for keeping a billiard, bagatelle or pigeon-hole table, or pin alley, he shall pay to the city treasurer the following sums per annum, viz.: For a billiard table fifty dollars; for a bagatelle or pigeon-hole table twenty dollars, and for a pin alley fifty dollars; and the applicant shall be required to specify the house where such billiard, bagatelle or pigeon-hole table, or pin alley is to be set up, and may take out license for six months only by paying one-half of the sum specified.

SEC. 143. Any person failing to take out a license for a billiard table, bagatelle or pigeon-hole table, or pin alley shall, for each and every day he shall use such billiard, bagatelle or pigeon-hole table, or pin alley, without having license, forfeit and pay to the city a sum not less than five dollars nor more than fifty dollars.

#### BUTCHERS.

SEC. 144. Every person or copartnership of persons following the business of a butcher or dealer in meats in the city of Cairo, shall pay into the city treasury the sum of one hundred dollars per annum for license so to do, and any person violating the provision of this section shall forfeit and pay a sum not less than ten nor more than twenty-five dollars for each and every offense: *Provided*, that the foregoing provision shall not apply to butchers selling at their stalls in the city market.

#### DRAYMEN.

SEC. 145. It shall not be lawful for any person or persons within the city of Cairo to use or drive a dray, wagon, cart or other vehicle for hire, to and from places within the city, without having first obtained a license therefor, and paid the tax thereon, as hereinafter provided, and every person who shall exercise the business, trade or occupation in this section specified, or who shall use or drive a wagon, dray, cart or other vehicle without being duly licensed thereunto, shall forfeit and pay, for the use of the city, for each and every load hauled, a sum not less than five dollars, nor more than fifty dollars.

SEC. 146. Before any license shall be granted for any of the purposes or objects specified in the preceding section the applicant or applicants for the same shall pay to the city treasurer the following sums, viz.:

For every dray, wagon, cart or other vehicle, used to convey property for hire, drawn by one horse.....	\$10.00
For every dray, wagon, cart, or other vehicle used as above, drawn by two horses or oxen.....	15.00

SEC. 147. Every license shall be granted for the term of six months or one year, at the option of the applicant, and if granted for six months, only half the tax specified in the preceding section of this chapter shall be required to be paid.

SEC. 148. Every person taking out a license under the provisions of the preceding sections for a wagon, dray, cart and other vehicle shall execute a bond to the city in the sum of one hundred dollars for each vehicle, with two or more sureties, to be approved by the city clerk, conditioned for the faithful performance of his duty as owner or driver of said vehicle or vehicles, and that he will account for and pay all damages arising from any neglect or loss on his part while so engaged, and that he will faithfully deliver all goods, property, baggage or other thing delivered to him or them or his or their agents or drivers.

SEC. 149. The owner or driver of every wagon, dray, cart, or other vehicle to whom a license shall be granted, shall register and number the same with the city clerk, giving his place of residence; and when so licensed and numbered, the following sums may be demanded and received for the services specified, where no agreement to the contrary is made by the parties, to-wit:

For hauling each and every load with wagon, cart, dray, or other vehicle, with two horses or two oxen.....	\$0.75
For hauling above with one horse.....	50

SEC. 150. The provisions of this chapter shall not apply to persons who shall transport for hire or pay, any article from or to said city from or to any place without the same.

SEC. 151. The owner or driver of every dray, wagon, cart or other vehicle, who shall demand and receive for any load hauled within the city limits a greater amount than is allowed for such

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service by the city, shall forfeit and pay, for every such offense, a sum not less than one dollar, nor more than five dollars.

SEC. 152. All licensed drays, wagons, carts and other vehicles, shall have a number, corresponding with the number of their license, painted with black paint on a white ground in a conspicuous place on the said dray, wagon, cart, or other vehicle; the figures of said number to be not less than two inches in height; and for each day the owner or driver of any licensed dray, wagon, cart, or other vehicle, shall neglect and omit to have said dray, wagon, cart or other vehicle, numbered as above provided for, he, she or they shall forfeit and pay to the city a sum not less than three dollars, nor more than ten dollars.

#### GUNPOWDER.

SEC. 153. Every person, copartnership of persons, or body corporate, keeping for sale or storage gunpowder, within the city limits, shall pay an additional license of twenty-five dollars per annum, and every person, copartnership of persons or body corporate violating the provisions of this section shall forfeit and pay a sum not less than twenty-five dollars, nor more than fifty dollars for each and every offense.

#### INSURANCE COMPANIES.

SEC. 154. It shall not be lawful for any person to act as agent or solicitor for insurance companies, and to contract for or issue any policies of insurance against loss or damage, by fire, or from the perils of navigation, or upon lives, or insurance against accidents or personal injuries, in the city of Cairo, without first taking out a license therefor; nor shall it be lawful for any person or persons to solicit risks or make any insurance contract, fire, marine, life or accidental, for and in behalf of any insurance company, unless the said person shall have first taken out a license therefor in accordance with the provisions of this section.

SEC. 155. Before any person or persons shall do any business for and in behalf of any fire, marine, life or accidental insurance company, such person shall first pay into the city treasury, for the use of the city of Cairo, the sum of one hundred dollars for a

license, whereupon the city clerk of the city of Cairo, shall be, and is hereby authorized to issue to such person a license for the term of one year from the date of such payment, granting to the said person the right and privilege to make contracts of insurance, issue policies, and do all other acts and things requisite and necessary for the transaction of business in this city.

SEC. 156. Any person or persons violating any of the foregoing provisions shall pay a fine of not less than one hundred nor more than five hundred dollars for each violation, to be recovered in any court of competent jurisdiction, from such person.

#### MERCHANTS AND TRADERS.

SEC. 157. It shall not be lawful for any person or persons, company, or corporation, whose stock in trade, and personal property within the city of Cairo, shall not have been previously assessed for taxation, to vend or sell within the city limits of Cairo any goods, wares, merchandise, chattels or effects, without first procuring a license so to do; and any person or persons, company or corporation, who shall vend or sell, or offer for sale, any goods, merchandise, wares, chattels or effects, without having a legal license so to do, shall forfeit and pay a sum not less than ten dollars nor more than fifty dollars for each and every offense. Retail traders, and merchants whose property and stock in trade has not been assessed for taxation shall pay for license the sum of one hundred dollars per annum: *Provided*, that license may be taken out for any period not less than three months, by paying a proportionate amount.

SEC. 158. No person, not already licensed by the provisions of this chapter, shall be permitted to open and do business as a merchant, or trader, at wholesale or retail, in the city of Cairo, without having first obtained a merchant's license. Such license shall be granted upon the payment of ten dollars into the city treasury, and in case of neglect to procure such license every such person shall be subject to a fine of not less than five dollars, nor more than twenty-five dollars for every day so offending.

## PAWNBROKERS.

SEC. 159. No person or copartnership of persons, or body corporate, shall carry on or conduct the business or calling of a pawnbroker, within the city of Cairo, without having first obtained a license so to do, under a penalty of not less than twenty dollars nor more than one hundred dollars for each offense.

SEC. 160. Any person who loans money on deposit or pledge of personal property, funds, notes or other securities, or who deals in the purchasing of personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

SEC. 161. Pawnbroker's license shall be granted to any person of good character who may apply therefor on the following conditions: The person so applying shall first pay into the city treasury a sum of money in proportion to the sum of three hundred dollars per annum for the time such license shall be granted, and shall execute a bond to the city of Cairo in the sum of five hundred dollars, conditioned, that the said applicant will in every particular conform to the requirements of this chapter, and with the requirements or provisions of any ordinance hereafter to be passed concerning pawnbrokers.

SEC. 162. The city clerk shall keep a register of all licences granted under this chapter, in which he shall record the name of the person licensed, the time of issuing the same, and the place of business of the person so licensed.

SEC. 163. Every person so licensed as aforesaid shall keep at his place of business a substantial and well-bound book, in which he shall enter, in writing, a minute description of all personal property, bonds, notes, or other securities received on deposit or purchase, as aforesaid, the time when they were so received, and particularly mentioning any prominent or descriptive marks, that may be on such property, notes, bonds or other securities, together with the name and residence of the person or persons by whom they were left; which said book shall be kept clean and legible, and no entry therein shall be erased, obliterated or defaced, and all

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the entries therein shall be made with ink. Every such licensed person failing to comply with any of the provisions of this chapter, shall forfeit to said city the sum of twenty-five dollars.

SEC. 164. Every person so licensed as aforesaid, shall, during the ordinary hours of business, when requested by the mayor, or any police officer of the city, submit and exhibit such book, in this chapter provided for, to the inspection of said mayor or police officer, and shall also exhibit any goods, personal property, bonds, notes or other securities that may be so left with said licensed person, to the inspection of said mayor or police officer; and every such licensed person refusing to submit said books, goods, personal property, or choses in action as aforesaid, upon request of the mayor, or any police officer of said city, shall forfeit and pay to the city of Cairo the sum of twenty-five dollars for every such offense.

SEC. 165. No person, licensed as aforesaid, shall take or receive in pawn or pledge for money loaned, or shall take, receive or purchase, within the line of business of such pawnbroker, any article, property or thing of and from any minor, or any article, property or thing of and from any person, the ownership of which property, article or thing is in, or claimed by, any minor, the said pawnbroker knowing said article, property or thing to be owned or claimed by such minor. Any person violating any or either of the provisions of this section, shall, on conviction, be fined in a sum not exceeding one hundred dollars, and any person so licensed violating any of the provisions of this chapter, or of any ordinance hereafter passed, concerning pawnbrokers, shall be subject, in the discretion of the mayor, to have his license revoked.

#### PEDDLERS.

SEC. 166. Every person who shall sell or offer any goods, wares, merchandise or other article of value for sale, barter or exchange at any place in, upon, along or through the streets, avenues, alleys or other public places, docks and wharves, shall be deemed a peddler.

SEC. 167. It shall not be lawful for any peddler to exercise his calling within this city without a license; and any person violating this section shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars for every offense.

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SEC. 168. The city clerk is hereby authorized, in his discretion, to grant a peddler's license, for one month at a time, to any person applying for the same, upon the payment of fifty dollars: *Provided*, such person so applying shall execute to the city of Cairo a good and sufficient bond, with ample security, to be approved by the city clerk, in the penal sum of three hundred dollars, conditioned for the faithful observance by him of all ordinances of the city, and for the payment of all sums of money he may become liable to pay on account of any debt, fine or penalty incurred by him at any time during the period of such license; and further conditioned for the payment of all liabilities he may incur by reason of any deceit, fraud or misrepresentation to any person or persons with whom he may deal as such peddler: *And provided further*, that the city clerk shall be satisfied that the person so applying is in all respects a suitable and proper person to be so licensed, and of good moral character. Every application for license shall specify the kind and aggregate value, as near as may be, of the goods, merchandise or articles desired to be peddled, and also the mode of conveyance of the same, whether by cart, trunk, hack or wagon, or otherwise; and the license issued shall set forth such description and mode of conveyance.

SEC. 169. License to peddle books, fruit, nuts, cakes, refreshments, or bread, may be granted on payment into the city treasury of the sum of five dollars per annum.

SEC. 170. Any person licensed as aforesaid, who shall be guilty of any fraud, cheat, misrepresentation or imposition while acting in such capacity, or who shall peddle any other kind of goods, merchandise or other articles, or use any other mode of conveyance than that specified in his license, without leave of the mayor, shall, on conviction thereof, be subject to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 171. This chapter shall not be so construed as to apply to any person or persons coming into the city from the country with teams or otherwise, with any produce for market; or to any person selling any vegetables, berries, or the produce of their own farms or premises; nor be construed to apply to the peddling of newspapers.

SEC. 172. Any person who shall exercise the vocation of a peddler, by means of wagon, cart, or other vehicle, shall cause his name, together with the number of his license, to be painted on the outside of his vehicle, in letters and figures not less than two inches in length. Any violation of this section shall subject the offender to a fine of not less than five dollars and not more than fifty dollars.

#### PORTERS.

SEC. 173. No person shall act as a public porter in the city of Cairo, for the carriage of any goods, wares or merchandise, or other thing for hire or pay, either with or without a handcart, wheelbarrow, or vehicle drawn or propelled by hand, without having first obtained a license for that purpose, as hereinafter provided; and any person violating the provisions of this section, shall forfeit and pay to said city a sum not less than five dollars nor more than fifty dollars for each and every offense.

SEC. 174. Licenses shall be granted under this chapter to all persons for one year, upon the payment of ten dollars into the city treasury, and every person so licensed shall wear, while so engaged, a badge, conspicuously displayed in front of his hat, cap, or breast, with the words "city porter," and the number of his license plainly painted or engraved thereon in legible characters, and every licensed porter who shall neglect to wear such badge shall forfeit and pay to said city a sum not less than five dollars nor more than twenty-five dollars for each and every day he shall neglect to wear his badge as above provided.

SEC. 175. All porters licensed under this ordinance shall be entitled to charge for their services the sum of twenty-five cents for each and every load, and they shall be subject to the same regulations so far as they are applicable, and to the same penalties for a violation of these regulations, as are imposed by the section of this chapter in relation to draymen.

#### RUNNERS.

SEC. 176. It shall not be lawful for any person to act as runner for, or to in any manner solicit or ask the patronage or custom of

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any traveler or other person for any public house or hotel, steam-boat, railroad or public conveyance or transportation company, at any railroad station or depot, steamboat landing or other place in said city, other than at the house or hotel, depot, station or landing, or the usual place of business of the person, persons or company by whom he shall be employed, unless he shall first obtain a license for that purpose as hereinafter provided ; and every person violating the provisions of this section shall forfeit and pay to the city a sum not less than five dollars nor more than fifty dollars for each and every offense.

SEC. 177. Every licensed runner, when acting as such, or soliciting custom or patronage, shall wear conspicuously in front of his hat, cap or breast, a badge with the name of the house, road, company or line of conveyance for which he is acting, and the number of his license plainly painted or engraved thereon in legible characters ; and any person violating the provisions of this section shall forfeit and pay to the city not less than five dollars nor more than fifty dollars for each and every offense.

SEC. 178. Every licensed runner, who shall suffer or permit any other person to wear his badge, and every person not licensed under this ordinance, who shall wear the badge of a licensed runner, shall forfeit and pay to said city not less than five dollars nor more than fifty dollars for each and every offense.

SEC. 179. Every runner, who shall at any time or place, when engaged in his employment, make use of any indecent, profane or boisterous language, or be guilty of loud talking, hallooing, or any disorderly conduct, or shall vex, disturb, or importune strangers, travelers, or citizens, or shall refuse to observe and obey any order or directions of the mayor, city marshal, or any police constable or conservator of the peace in said city, which may be given for the preservation of good order, and for the convenience of the public, at any railroad station or depot, or steamboat or other landing, shall forfeit and pay to the city a sum not less than five dollars nor more than fifty dollars for each and every offense, and the magistrate before whom the conviction is had may, in his discretion, enter up as a part of the judgment, the forfeiture of his license.

SEC. 180. Licenses shall be granted to steamboat runners for six months or one year, on the payment of three hundred dollars for one year, or one hundred and fifty dollars for six months, upon execution by the applicant of a bond in the sum of five hundred dollars, conditioned for the faithful performance of his duties as such steamboat runner; and license shall also be granted to hotel runners at fifty dollars per annum: *Provided*, that the hotel proprietor may take out the license; and *Provided, also*, that the name of such runner employed by the hotel be inserted in the license, and the same be transferable from one runner to another upon application to the city clerk.

#### SALOONS, GROCERIES, ETC.

SEC. 181. It shall not be lawful for any person or persons to keep a beer-shop, saloon, room or other place for the retailing of vinous, spirituous or fermented liquors in a less quantity than one gallon, without having first obtained a license therefor as herein-after mentioned, and any person who shall sell or barter any vinous, spirituous or fermented liquors in a less quantity than one gallon, without having first obtained a license therefor from the city, shall forfeit and pay a fine of not less than ten dollars, nor more than fifty dollars for each and every offense.

SEC. 182. The proper officers of the city may, in their discretion, grant a license to retail vinous, spirited or fermented liquors to any white person or persons, who may apply therefor, upon the applicant or applicants filing a petition in writing, setting forth the particular lot, block and building intended to be occupied by him or them for that purpose, and producing the treasurer's receipt for the proper amount to be paid, and entering into a bond to the city of Cairo in the sum of five hundred dollars, liquidated damages, conditioned to keep a quiet and orderly house, and to observe all laws of this State, and ordinances of the city council, regulating the retailing of vinous, spirituous or fermented liquors.

SEC. 183. For licenses to sell and retail vinous, spirituous or fermented liquors in less quantity than one gallon within the limits

of the city, the following sums in the legal currency of the United States shall be paid, viz.:

For licenses for groceries to be kept on Levee street, below 10th street, the sum of.....	\$225
For licenses for same to be kept on Levee street, between 10th and 14th streets	150
For licenses for same to be kept on Commercial and Washington avenues, below 10th street, and all cross streets between Levee street and Washington avenue, below 10th street and on 10th street from Levee to Washington avenue.....	150
For same to be kept on Commercial and Washington avenues, above 10th and below 27th street, and on cross and other streets between Levee street and Washington avenue below 21st street.....	100
For same on all other streets and places.....	75

Said license money to be received in sums of seventy-five dollars, and licenses to be issued for a proportionate length of time.

SEC. 184. Every license granted under the three preceding sections of this chapter shall be granted for the term of not more than one year, and shall designate the lot and block, and particularly the house or room wherein such licensed person or persons shall exercise his or their employment, and shall not be assignable, although on application to the city clerk, and the applicants entering into a new bond, license may be transferred to another house or different locality of the city.

SEC. 185. If any retailer of vinous, spirituous or fermented liquors, his agent, clerk or other person, shall keep open any grocery, saloon, shop, store or other place of business on Sunday, for the purpose of retailing vinous, spirituous or fermented liquors on that day, or shall retail or give away any vinous, spirituous or fermented liquors on that day, he shall forfeit and pay, to the city of Cairo, a sum of not less than fifteen dollars, nor more than fifty dollars for each and every offense.

SEC. 186. Whenever the mayor of the city shall be of the opinion that it is necessary and proper that groceries and places where vinous, spirituous and fermented liquors are sold, should be closed and the sale of such liquors prohibited, he shall issue his proclamation requiring all persons to close their groceries and abstain from the sale of such liquors, designating the time during which such groceries shall be closed and the sale of such liquors

prohibited, and during such time it shall not be lawful for any person to sell, barter or give away such liquors in any quantity whatever ; and every person who shall violate the provisions of this section shall forfeit and pay to the city a sum not less than fifty dollars, nor more than two hundred and fifty dollars, or shall be imprisoned in the city jail for not less than ten days, nor more than three months, for each and every offense.

SEC. 187. All moneys arising from grocery licenses shall be set apart and held exclusively as a special fund, to be applied to the payment of the interest upon the city bonds heretofore or which shall hereafter be issued by the city, and be used for no other purpose whatsoever.

#### SELLING GOODS BY SAMPLE.

SEC. 188. It shall not be lawful for any non-resident person, or copartnership, or body corporate, to sell or offer to sell any goods, wares or merchandise, or articles of commerce or trade, within the city of Cairo, by sample, without having first obtained a license under this chapter. Licenses shall be granted upon the payment into the city treasury of one hundred dollars for one year : *Provided*, that license may be taken out for a period of three or six months, upon the payment of a proportionate amount. Any person violating this section shall forfeit and pay for the use of the city a sum not less than twenty-five dollars, nor more than fifty dollars for each and every offense.

#### SHOWS, THEATRES, ETC.

SEC. 189. No person shall set up, exhibit or maintain any theatre, circus, concert, museum, large traveling show or any other performance, exhibition or entertainment, within the limits of the city, without having first obtained a license therefor ; and every person who shall so set up any theatre, circus, concert, museum, large traveling show, or other similar performance, exhibition, or entertainment, without being first licensed thereunto, shall forfeit and pay to the city a sum not less than ten dollars, nor exceeding one hundred dollars for each and every offense.

SEC. 190. No organ grinder shall be allowed to perform, and no exhibitor of stereoscopic or panoramic pictures shall be allowed to exhibit on the streets, or within the limits of the city, without first obtaining a license thereunto as hereafter provided; and any such person exhibiting or performing, shall forfeit and pay a fine of not less than three dollars nor more than twenty dollars, for each and every offense.

SEC. 191. The license for every circus and side shows shall be fifty dollars; for every concert, ten dollars; for every other temporary show, performance, exhibition or entertainment, such as museums and panoramas, five dollars, for every day so performing or exhibiting in the city of Cairo; and every organ grinder and exhibitor of stereoscopic or panoramic views, performing or exhibiting in the city, shall pay the sum of two dollars into the city treasury for every day he may so exhibit or perform. The license for a theatre or other such place of amusement shall be fixed by the city council on application of the proprietor of such intended place of amusement; a bond, however, the amount of which the council may fix, being required, that such theatre or place of amusement shall be kept in an orderly manner: *Provided*, that lectures on scientific, historical, or literary subjects, or exhibitions or musical parties and concerts given or made by the citizens of the city for charitable, religious or benevolent purposes, need not be licensed.

#### TRAVELING VENDERS OF MEDICINES AND RECIPES.

SEC. 192. Every traveling vender of medicines and recipes, who shall, within the city of Cairo, take up his temporary abode for the purpose of procuring a sale of such medicines or recipes, shall pay a license of twenty-five dollars per day, and in case of neglect to procure such license, shall forfeit and pay for the use of the city a sum not less than twenty-five nor more than fifty dollars for each and every offense.

#### WHARF-BOATS.

SEC. 193. License may be granted to wharf-boats to transact thereon a storage, warehouse, re-shipping and forwarding business within the limits of the city of Cairo, upon payment by the owners

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or proprietors thereof into the city treasury of the sum of five hundred dollars per annum for each and every wharf-boat lying at or occupying the landing in the city, and engaged in the business aforesaid, so used by him.

SEC. 194. Every person, co-partnership of persons, or body corporate owning, occupying or possessing any boat, vessel, float, dock, wharf-boat or other structure stationed, moored or anchored on the waters of either the Ohio or Mississippi rivers within the limits of the said city, their agents or servants, who shall receive or forward, or store, or re-ship any goods, wares or merchandise on said boat, vessel, float, dock, wharf-boat, or other structure, shall be deemed guilty of a violation of this chapter, and shall forfeit and pay to and for the use of said city a sum not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each and every day they are so engaged in carrying on the wharf-boat business aforesaid without license: *Provided*, the provisions of the foregoing section shall not apply to steamboats, flat-boats or other vessels used for navigating the Ohio and Mississippi rivers, engaged in receiving and discharging freight.

SEC. 195. It shall not be lawful for any boat or vessel to be stationed, moored or anchored on, at or near to the shore of either the Ohio or Mississippi rivers, within the limits of the city of Cairo, for the purpose of keeping any tavern, hotel or grocery, receive money for the entertainment of guests or boarders, or to vend or to sell any spirituous, vinous or fermented liquors, or any goods, wares, merchandise, boat stores, meats or provisions, without first obtaining a license therefor from the city council or their authorized officers; and every person, co-partnership of persons or body corporate, who shall violate the provisions of the preceding section, shall forfeit and pay for the use of the city a sum of not less than ten dollars, nor more than one hundred dollars for each and every offense.

## CHAPTER X.

## MARKETS.

## SECTION—

- 196. What shall be "City Markets."
- 197. What shall constitute additional part of the City Markets.
- 198. Market Master, bond of.
- 199. Duties of Market Master.
- 200. May make rules and regulations.
- 201. When Stalls shall be leased.
- 202. Grade of prices; how established.
- 203. How bidding must be done; what part.
- 204. How lease money shall be paid; collectors.
- 205. Any person improperly occupying a stall; how fined.
- 206. No license shall be transferred; monopoly.
- 207. If lessee fail to furnish his stall with meat.
- 208. If stall be not leased or if it is forfeited.
- 209. What clause shall be in lease.
- 210. When stall to be painted.
- 211. What articles may be seized; when.
- 212. Market Master to see to the fact that scales, etc., are properly stamped.
- 213. Disorderly persons; how removed.
- 214. When markets shall be open.

## SECTION—

- 215. Market Master; how he shall announce closing of market.
- 216. No sales at markets on Sunday.
- 217. Vinous, etc., liquors not to be sold in markets.
- 218. No chickens or vegetables, etc., to be sold in market hours anywhere except in open market.
- 219. Market Master shall see that market places are kept clear; fine.
- 220. Fine for violating rules of market.
- 221. Charges of Market Master for correcting and sealing scales.
- 222. All scales in the city to be tested by the Market Master.
- 223. Committee on Markets to provide Market Master with sealed weights, platform scale, etc.
- 224. What charges Market Master shall make.
- 225. Persons disturbing markets, how fined.
- 226. Persons occupying stands, how they shall clean the same.
- 227. No fire to be allowed in the market house, etc.
- 228. How persons violating four previous sections shall be fined.

SECTION 196. A sufficient space of ground at the junction of Washington avenue and Poplar streets, between Ninth and Tenth streets, not exceeding sixty-five feet in width and two hundred feet in length, and the house situated on lot twenty-one, block eighteen, in the first addition to the city of Cairo, shall be and are hereby set apart for, and shall hereafter be known as the "city markets."

SEC. 197. All that portion of Poplar street between Tenth and Eleventh streets, and adjoining to block thirty-five, in said city, and the sidewalk along said block, and all that portion of Washington avenue between Tenth and Eleventh streets and adjoining to block thirty-five, in said city, and the sidewalk on and along the same, and adjoining to said block thirty-five, not exceeding twenty-five

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feet in width on Poplar street, and not exceeding thirty feet on Washington avenue, and that portion of Poplar street between Eighteenth and Nineteenth streets, be and the same is hereby declared to constitute a part of said "city markets," for the use of farmers, gardeners, and marketers, and their teams, wagons and vehicles, and for the sale of their products and commodities.

SEC. 198. There shall be appointed a market master for said "city markets," who shall be appointed by the mayor and confirmed by the city council, and shall be *ex officio* inspector of weights and measures, and who, before entering on the discharge of the duties of his said office, shall execute a bond to the city in the sum of two thousand dollars, with good security, conditioned that he will diligently and impartially discharge the duties of said offices, and account for and pay over to the city treasurer or other proper officer or person, all moneys which may come to his hands by virtue of said office, belonging to said city, or to any person or corporation, and who shall also take the usual oaths of office prescribed by law, and an oath faithfully, impartially and to the best of his skill and judgment to discharge the duties of said office, and shall hold his office for one year and until his successor is appointed and qualified.

SEC. 199. It shall be the duty of said market master: *First*, To exercise a general supervision over the market houses and grounds, and to enforce regulations for the government thereof. *Second*, To assign places to wagons or persons attending the markets, and enforce order therein. *Third*, To have the general care and custody of the market houses and all appurtenances. *Fourth*, To examine the quality of all articles offered for sale in the markets, and to seize all blown, unsound, diseased, impure or unwholesome articles exposed for sale. *Fifth*, To examine the weight of all articles exposed for sale, and seize all that are of less weight than that represented by the seller. *Sixth*, To enforce order in the market places, and decide all disputes which may arise between buyer and seller, touching the weight or measure of any article. *Seventh*, To attend, either in person or by deputy, at the markets every day during market hours. *Eighth*, To pay

into the city treasury, on the last Saturday of each month, all moneys received by him on account of the city.

SEC. 200. Proper authority is hereby given to the market master to make all needful rules and regulations touching the arrangement of vegetable and fruit stands, which shall be in said market houses until the necessities of the business transacted thereat may require that they should be placed outside, and the arrangement, stationing and removal of wagons and other vehicles used or brought by marketers or others, on to the market grounds : *Provided*, such rules and regulations are not inconsistent with the laws of this state or the charter or ordinances of said city, and are first approved by the mayor of the city ; and that the market master shall cause a sufficient number thereof, in hand-bill form, to be posted and kept posted in said market house, and in his office.

SEC. 201. It shall be the duty of the market master on the first Monday of January, annually, to lease all the stalls and stands in said markets, at public auction to the highest bidder, after having given at least ten days' notice of the time and place of letting the same, by advertisement in the newspapers of the city, and by hand-bills, which letting shall be between the hours of 10 A. M., and 4 P. M., at said markets : *Provided*, that said stalls shall not be let at less than the appraised value thereof ; and all stands set apart and designated for the sale of fish shall be let or leased for one year, on the first Monday of April, annually.

SEC. 202. It shall be the duty of the mayor of the city, together with the market master and the chairman of the committee of the city council on markets, to establish and grade the prices of all stands and stalls, which shall be leased for the term of one year.

SEC. 203. Every person bidding off a stall or stand in said markets, shall immediately pay to the market master the sum of ten dollars, which shall be credited on his lease, and if the said party shall fail within three days after request, to join in the execution of a lease for the same, with two good securities, the said sum of ten dollars and all the rights of said bidder shall be forfeited to the city.

SEC. 204. The lease or rent of all stalls and stands in said

markets shall be paid quarterly, and a neglect to pay the same for more than ten days after it becomes due, shall work a forfeiture of said lease and all rights of the lessee under the same, and said stall shall be taken possession of by the market master, and re-let for the use of said city. And it shall be the duty of the market master to keep a correct list and register of all the stalls and stands in said markets, and of the time and terms of leasing the same, together with the name of the lessee or lessees, and of their securities, and of all forfeitures of the same, and shall, whenever any rent or lease money shall become due to the city for any stall or stand, and the lessee shall neglect or refuse to pay the same, to make out an account for the same and deliver it to the city comptroller, who shall immediately deliver the same to the city marshal for collection and charge the said marshal with the amount thereof ; and it shall be the duty of said city marshal to collect the same and pay it into the city treasury ; and the market master, when leasing stalls or stands, shall pay over all moneys received by him therefor to the city treasurer, taking duplicate receipts therefor, one of which shall be filed with the city clerk ; and the city marshal shall in a like manner pay over all moneys collected by him—by suit or otherwise—for the rent or lease of stalls or stands, or other privileges in said markets, to the city treasurer.

SEC. 205. If any person, whose lease has been forfeited, or any other person who shall, without proper authority, hold or occupy any stall or stand in said markets, he shall forfeit and pay to the city, not less than ten nor more than fifty dollars for each and every day he shall so use, hold or occupy said stall or stand ; and no lessee shall be authorized or allowed to transfer his lease or permit any other person to use his stall or stand ; nor shall any person or firm be allowed to lease or occupy more than one stall for butcher's meats, and one for game, one for fish, and one for vegetables.

SEC. 206. No person or company of persons shall be allowed to transfer their lease, or allow the stand or stall leased by them to be used by any other person or firm, who may have a lease for a similar kind of stand or stall, whereby any combination or monopoly shall be established in said markets ; and whoever shall violate

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the provisions of this section, shall forfeit to the city all his rights to such stall or stand and all moneys paid on the same, as lease or rent charges ; and for the second offense shall forfeit all his rights to stands or stalls in said markets ; and for the third offense, shall be forever thereafter disqualified from holding, leasing or using any such stand or stall, or from being in anywise interested in the same.

SEC. 207. If any person being the lessee of any stall or stand in said markets, shall for the space of six consecutive days, (except in case of severe sickness,) fail or neglect to have the same supplied with such articles as he may be authorized to keep and sell thereat, the same shall be forfeited to the city, and it shall be the duty of the market master to take possession of the same, and re-let it for the unexpired term, at public or private letting.

SEC. 208. If any stall or stand be not leased at the regular letting, or it shall be forfeited, the market master may permit any person to occupy the same in conformity herewith, for a day or a number of days up to the next regular letting, at a rate not less than fifty cents for each day, which shall be paid to the market master, and by him to the city treasurer.

SEC. 209. In making leases for stalls and stands there shall be inserted a clause, allowing the city to destroy, alter or remove any stand, stall or market, by giving to the lessee at least three months' notice of the desire to do so.

SEC. 210. Each and every lessee or occupant of a stall or stand in said market houses, shall have the same painted twice a year, in April and October.

SEC. 211. It shall be the duty of the market master to seize all articles offered for sale in said markets, which are not of the weight or measure represented by the seller, and dispose of the same for the benefit of the city.

SEC. 212. The market master shall see that all scales and other implements for weighing, used in said markets, are duly stamped and certified to be correct, and shall, whenever requested, weigh or measure any article or articles offered for sale in said markets, belonging to marketers or others ; and shall be allowed to charge five cents for each separate or single article weighed, or for each

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measuring, to be paid by the person or party requesting the same to be weighed or measured; and no person shall charge for weighing or measuring any article on said market grounds, except the market master or his deputy, under a penalty of not less than ten dollars nor more than fifty dollars for each offense.

**SEC. 213.** The market master is hereby authorized to remove from the market houses and grounds in a summary manner any person guilty of any violent and disorderly conduct, or who shall in any way interfere with or disturb marketers or buyers, or refuse to observe the regulations or ordinances for the government of said market.

**SEC. 214.** The markets shall be open for the sale of articles, victuals and provisions, from the dawn of day until ten o'clock A. M. from the first day of April to the first day of October, and from five o'clock A. M. to eleven o'clock A. M. during the remainder of the year, except on Saturday, when it shall be open from four P. M. to eleven P. M.

**SEC. 215.** The market master shall be provided with a bell, and announce by the ringing thereof the closing of market hours, and every lessee or occupier of a stand or stall shall, within thirty minutes after the ringing of said bell, cause his provisions and vegetables to be removed from the market houses, or closely and securely packed therein in his stall, and his stall or stand to be cleaned, and all animal or vegetable offal and rubbish to be removed, and each butcher shall cause all his tables, blocks and fixtures to be scraped and cleaned; and no provisions or other things shall be sold in said markets except during market hours, unless by permission of the market master, and then only by the bulk or quantity.

**SEC. 216.** No person shall expose for sale or sell any article in market on Sunday.

**SEC. 217.** No person shall, in market, sell or give away any vinous or spirituous or fermented liquors, or set up or keep any table or place for eating or drinking; nor shall any intoxicated or turbulent person be permitted to stay in said markets; and whoever shall violate any of the provisions of the preceding sections, shall,

on conviction, forfeit and pay a sum not less than one nor more than fifty dollars.

SEC. 218. No person coming into this city with a wagon or other vehicle, with vegetables, chickens, fruits, game, or country produce of any kind, shall offer the same for sale in any part of the city during market hours, except on the market grounds; and any person violating the provisions of this section shall forfeit and pay to the city a sum not less than three dollars for each and every offense.

SEC. 219. It shall be the duty of the market master to see that the market space and streets of the city, and the sidewalks adjacent to said markets, are kept clear of and free from all huckster's stands, tables, carts, wagons, boxes, or other contrivances, and if any person shall keep, set up, occupy, or maintain any such huckstering stand, table, cart, wagon, box, or other contrivance, on any of the streets, lanes, alleys, sidewalks, levees, or other public places in said city, adjacent to said markets, and shall not remove the same on notice from the market master, city marshal or any police constable of said city, every person so offending shall forfeit and pay a sum not less than one hundred dollars for each day said stall, stand, cart, box, or other contrivance, shall be so used by him, her or them as a huckster.

SEC. 220. It is hereby made the special duty of the market master and city marshal, and the police constables of this city, to arrest all persons found violating any of the provisions of this chapter, and convey them before a police magistrate for trial, who shall proceed therein as in other cases for breach of the city ordinances.

SEC. 221. The market master shall charge a fee of fifty cents for correcting, stamping and sealing scales to be used in said markets, or any where in the city, and a fee of twenty-five cents for each measure sealed and stamped by him, larger than half bushel, and ten cents for each measure of half bushel or less, and all fees received by him shall be paid into the city treasury.

SEC. 222. It shall not be lawful for any person within the limits

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of the city to use any scales or other contrivance for weighing, without first having the same tested and stamped, under a penalty of not less than one nor more than twenty-five dollars for each offense.

SEC. 223. It shall be the duty of the committee on markets to provide the market master with sealed weights and measures, and the same shall be preserved by him in his office for the use of the city; and it shall also be the duty of said committee to cause a large platform scale to be erected at some convenient point in said market grounds, for the use of the market master and city, for weighing stock, coal, hay and other thing which any person may desire to have weighed thereat.

Sec. 224. The market master shall be authorized to charge and receive the following prices for weighing at said scale: For each hog or sheep, five cents; cattle or horses, each, fifteen cents; wagons or drays, empty, fifteen cents; and each load of hay, corn, or any kind of vegetables, twenty-five cents; and for each load of coal, one-half cent per bushel.

SEC. 225. It shall not be lawful for any person or persons to disturb or interfere with the peaceful, quiet and orderly prosecution of business in the market houses, platforms and grounds thereunto annexed, during market hours, by loud, excitable or angry talking, or by throwing or pelting, either in anger or otherwise, with any apple, turnip, cabbage, or other missile by which people in market may be annoyed, windows broken, or any injury whatever done to person or property.

SEC. 226. All persons who use or occupy a stall or stand in the market houses shall be obliged, when cleaning out the same after market is over, to remove, clear away from the market houses and platforms, all offal or refuse meat or vegetable matter which may have accumulated in the same during market hours, and not sweep it into the doorways or immediate crossings; and it shall also be a violation of this section for any person to pump or throw water over the floors or platforms of the market houses in a wanton or careless manner.

Sec. 227. It shall not be lawful for any person to build a fire

in any stove or other contrivances whatever, either in the market houses or on any of the platforms around them ; and it shall not be lawful for any person to obstruct the doorways of the market houses by piling up or placing any barrel, box, or crate in the passages between the stalls or stands during market hours, thereby preventing the easy egress or ingress of parties attending market ; nor shall any person occupy a greater space than his stall in the market ground for the sale of his commodities ; nor shall it be lawful for any person to leave, for more than thirty minutes after the market is over, any empty barrel, box or crate, or other obstruction, on the platforms of the market houses.

Sec. 228. Any person or persons violating any of the provisions of any of the last four sections of this chapter, shall, on conviction thereof, forfeit and pay to the city a sum of not less than three dollars nor more than twenty-five dollars for each and every offense.

## CHAPTER XI.

### NUISANCES.

#### SECTION—

- 229. Obstructions in the street; fine ;  
how recovered.
- 230. How privies shall be built.
- 231. Privy or privy vaults, hog-pens, etc.,  
when injurious to public health ;  
what the fine.
- 232. Dead animals ; fines.
- 233. Houses of ill fame declared public  
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#### SECTION—

- 234. Such houses unlawful ; what the  
penalties for.
- 235. City Marshal may remove nuis-  
ances.
- 236. When five citizens give notice of a  
house being used as a house of ill  
fame, etc. ; what fine.
- 237. How a rotten building, etc. ; if dan-  
gerous to the neighbors, may be  
removed.

SECTION 229. If any person or persons shall place or erect, or cause to be placed or erected, in any public street or avenue of the city, any building, fence, or other permanent obstruction, the same shall be deemed a nuisance ; and every person so offending shall be notified by the mayor, in writing, to remove the same on or before a day specified in the notice ; and on failure to comply with the requirements of said notice, such person shall forfeit and pay for

the use of the city, the sum of twenty dollars, and, in addition thereto, ten dollars for each and every day said building, fence, or other obstruction shall remain after the time specified in said notice; and in case of neglect to remove the building, fence, or other obstruction within the time specified in the notice, the city marshal or one of the police constables, to be designated by the mayor, shall forthwith cause such building, fence, or other obstruction to be removed at the expense of the person offending.

SEC. 230. Each and every tenement within the city, used as a dwelling house, shall be furnished with a suitable privy, the vault of which shall be sunk into the ground at least eight feet, and shall be so constructed that the inside of the same shall be at least two feet distant from the line of every adjoining lot, unless the owner of the adjoining lot shall otherwise agree, and also the same distance from every street or avenue. Every owner or renter, or occupier of a tenement used as a dwelling house, offending against the provisions of this chapter, shall forfeit and pay for the use of the city, a sum not less than five dollars nor more than fifteen dollars, for each and every day he or they shall neglect to provide a suitable privy as above provided for.

SEC. 231. Every person who shall keep or maintain any privy or privy vault, hog-pen, manure-heap, sink-hole, or slaughter-house, in such place or manner as shall be offensive to, or be likely to be injurious to the health of any portion of the inhabitants of the city, shall forfeit and pay for the use of the city, a sum not less than three dollars nor more than ten dollars, for each and every day he, she or they shall keep or maintain said privy, or privy vault, hog-pen, manure-heap, sink-hole, or slaughter-house, after being notified by the city marshal, one of the police constables or mayor, to remove the same.

SEC. 232. Every person, who shall bring or cause to be brought within the limits of the city any dead animal, and leave the same to putrefy or rot therein, or whoever, being the owner or possessor of any animal which shall die therein, and, knowing of its death, shall not cause the same to be removed one-half mile beyond the limits of the city, shall forfeit and pay for the use of the city,

not less than five dollars nor more than twenty dollars, for each and every offense; and the city marshal shall cause the same to be removed at the expense of the person offending, the fine and expense to be collected as in other cases.

SEC. 233. Each and every house of ill-fame, bawdy house, assignation house, or other house or place within the limits of the city of Cairo, kept or maintained for the practice of fornication, or illicit commerce of that character, is hereby declared to be a public nuisance, and as such shall be subject to all the laws enacted or in force for the abatement, removal or suppression of the same.

SEC. 234. It shall be and is hereby declared to be unlawful for the owner of any house, place or tenement within said city limits, or for his agent or attorney, to let or lease the same for the use or purposes mentioned in the preceding section, or to knowingly suffer any one who may be in possession thereof, under any lease or agreement with him, so to use, occupy or possess the same; and every such owner, his agent or attorney, who shall knowingly lease or let any premises within the limits of this city for such purpose, or who shall knowingly suffer or permit the use or occupancy thereof, for the same, shall forfeit and pay double the value of the rents of such house or tenement for the time it shall be so occupied, used or possessed, to be recovered by an action of debt before any court having jurisdiction of the same, the one-half to the informer, the other half of said penalty to be paid to the city treasurer.

SEC. 235. It shall be lawful, and it is hereby declared to be the duty of the city marshal and all police constables of this city, to abate and remove all nuisances of every character from the city limits, and to this end they are authorized to call to their aid any residents of the city deemed necessary by them for said purpose; and for all reasonable expenses incurred by them in so doing, they shall be reimbursed by the city, and shall be allowed besides at the rate of three dollars per day for the time so occupied, to be paid from the city treasury.

SEC. 236. Whenever notice shall be given by any five residents to any owner or agent of any tenement within the city limits, as aforesaid, setting forth that any house or tenement, owned or let,

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or controlled by him, is occupied by and for the purposes or any of them aforesaid, he may call to his aid the city marshal or any police constable of said city, whose duty it shall be to aid him in removing and abating said nuisance by delivery of possession of said premises to the owner or agent above, and ousting the occupants thereof, and for so doing he shall be compensated and reimbursed as aforesaid.

SEC. 237. If any house or building shall by decay, or rottenness of its timbers, be in danger of falling or being blown down, or of taking fire, and shall thus become dangerous to the safety of adjacent property, it shall and may be lawful, on the petition of five or more of the property holders in the neighborhood of such house or building, for the city council of the city of Cairo to condemn such house or building as a nuisance, provided the owner or owners after notice, actual or constructive, shall fail to remove the same within the time specified in such notice, which notice shall be served, if the owner be a resident of the city, by the city marshal, and if a non-resident of the city, by publication in the newspaper publishing the ordinances of the city. Upon the non-compliance of the owner or owners, it shall be the duty of the city council to appoint three impartial house-holders who shall be first sworn to examine said house or building, and shall report to the city council, whether in their opinion the said house or building in its condition endangers adjacent property, either by taking fire, or by falling, or by blowing down, and whether the same is or is not a nuisance, and upon such report being filed and approved by the city council, it shall be the duty of the city marshal to remove said house or building and abate the same as a nuisance, provided the city marshal shall first advertise and offer the same for sale to the highest bidder, at auction, on condition that the purchaser shall remove the same as soon as may be possible after the purchase; and after deducting the expense of the proceedings and sale, the city marshal shall pay over any surplus which may accrue from said sale into the city treasury, to remain there, subject to the call of the owner or owners of said building.

## CHAPTER XII.

### POLICE REGULATIONS.

## SECTION—

- 238. Awnings, how they shall be erected; fine for violations.
- 239. Bawdy Houses; fine for keeping.
- 240. Birds; fine for killing.
- 241. Cruelty toward Animals; how punished.
- 242. Carrying concealed weapons; penalty for.
- 243. Disturbances, Shouting, Bawling and using obscene language; where; what fine.
- 244. Disturbing the Peace; fine.
- 245. Disturbing a Congregation assembled for Religious Worship; penalty.
- 246. Disturbing a Church, or defacing a Church or School House; what the fine for.
- 247. Firing Pistol or Musket, etc.; fine for.
- 248. Driving on Sidewalk; penalty for.
- 249. Dogs; tax for.
- 250. When Dogs deemed a nuisance; what the duty of the City Marshal.
- 251. Sluts not to run during the period of heat.
- 252. When hydrophobia is prevalent, the Mayor may by proclamation prohibit running of dogs at large.
- 253. Persons resisting the Marshal or his Assistants, in killing dogs; how fined.
- 254. Chapter not to apply to Dogs of a certain age.
- 255. City Marshal to report at every meeting the dog tax collected, and number of dogs killed.
- 256. Drunkenness; what penalty for.
- 257. Using false weights and measures; what penalty.
- 258. Gaming Houses; what penalty for keeping.
- 259. Gamblers; how punished.
- 260. False Alarms; what penalty for giving.
- 261. Gunpowder, how to be kept, in what quantities; what penalty.

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- 262. Steamboats having gunpowder on board, if lying at the levee; how fined; when.
- 263. When City Marshal to make an examination as to the quantity of gunpowder kept; how resistance punished.
- 264. If Marshal or Police fail to do their duty; how fined.
- 265. Persons keeping Gunpowder for sale to have Sign; penalty.
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- 267. Leaving Horse standing unfastened; what penalty for.
- 268. Indecent conduct and fast driving.
- 269. Meeting of Vehicles.
- 270. Poison; regulations in regard to.
- 271. At what speed trains shall run below twentieth street.
- 272. No car to remain at crossings of streets.
- 273. Penalty for violating the two previous sections.
- 274. Double track only allowed on Levee street; what penalty for violation.
- 275. How Engines shall be run by day and by night.
- 276. What kind of a chimney engine shall have.
- 277. Bell of locomotive to ring; when; penalty.
- 278. Scaffolds, how they shall be erected; penalty.
- 279. Selling Goods on Sunday; fine for.
- 280. Selling sick, overheated meat; what penalty for.
- 281. Selling flesh of a bull, boar, dog, cat, etc.; what fine for.
- 282. Shutting up certain Houses; when; by whom.
- 283. Owner refusing; how fined.
- 284. Trees; how to be planted.
- 285. Vagabonds; how fined.
- 286. Persons without visible means of support; when; how fined.
- 287. Pickpockets, etc.; how punished.
- 288. Vaults and Areas; how and under whose direction to be constructed.

## SECTION—

289. May occupy portions of the street; how much.  
 290. Area must be protected by railing; fine for neglect.  
 291. Wells; how they must be dug, etc.

## SECTION—

292. Wearing badge of Police; punished.  
 293. Wearing garments of the other sex; what penalty for  
 294. Whistling of Steamboats; penalty.

## AWNINGS.

SECTION 238. It shall be lawful for persons in the city to erect and maintain in front of their stores or houses, light rails placed upon posts sunk in the ground at the outer edge of the sidewalks, and to cover the same with canvas, and to be used as awnings. Awnings may also be erected and maintained as aforesaid of iron framework suspended by brackets or supports from the wall of the building and covered with canvas, provided that no part of any awning shall be less than eight feet from the sidewalk at its lowest point, and provided that owners of awnings shall roll them up at or before sunset and not let them down before sunrise, and provided further that no hand-bills, signs, figures, letters, hooks or other thing shall be placed or allowed to remain upon any part of said rails, posts, canvas or awnings for any purpose whatever, so as to hang down lower than eight feet from the sidewalk. Every person violating the provisions of this section shall forfeit and pay to the city, not less than five dollars nor more than fifty dollars, for every offense, and a further sum of ten dollars for every day he, she or they shall persist in such violation after the first conviction.

## BAWDY HOUSES.

SEC. 239. No person shall, within the limits of the city, keep a bawdy house, or house of ill-fame, or assignation house; and every person so offending shall forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars, for each and every offense.

## BIRDS.

SEC. 240. Every person who shall kill or wound, or attempt to kill or wound, by the use of fire-arms, bow and arrow, pelting with stones, or otherwise, any bird within the city limits, or shoot an arrow, or throw a stone or club, or other missile, at any bird within any private grounds, or public parks, squares or grounds, (such bird not being the property of the person so offending), or

enter upon any private enclosure or public ground belonging to the city, for the purpose of doing any act prohibited in this section, shall forfeit and pay not less than five dollars nor more than ten dollars for each offense.

#### CARRYING CONCEALED WEAPONS.

SEC. 241. It shall not be lawful for any person to carry any concealed deadly weapon, instrument or other thing; and every person violating the provisions of this section shall forfeit and pay for the use of the city a sum not less than two dollars nor more than ten dollars, for each and every such offense: *Provided*, that this section shall not apply to police constables, or to persons actually in the military or naval service of the United States, and persons charged with execution of criminal process, or to any person aiding in the apprehension and arrest of supposed criminals.

#### CRUELTY TOWARD ANIMALS.

SEC. 242. Every person who shall, within the limits of the city, beat or otherwise injure any horse, mare, mule, ass, ox, or other animal, in an immoderate, cruel, or unnecessary manner, shall forfeit and pay, for the use of the city, a sum not less than ten dollars nor more than fifty dollars, for each and every offense.

#### DISTURBANCES.

SEC. 243. No person shall suffer hallooing, shouting, bawling, screaming, profane or obscene language, fighting, dancing, singing, whooping or quarreling, or any other unusual sounds or noises in his or her house, in such a manner as to disturb the neighborhood or those passing through the streets; and every person so offending shall forfeit and pay for the use of the city, not less than ten nor more than fifty dollars for the first offense, and, for every subsequent offense, not less than fifteen dollars nor more than one hundred dollars; and if the person so offending be the keeper of a grocery, shop, or house, licensed by the city, such person shall, upon a third conviction, forfeit and be deprived of his license.

SEC. 244. No person shall, within the limits of the city of Cairo, wilfully disturb the peace by obscene, profane, offensive, or

threatening language, calculated to provoke a breach of the peace, or by assaulting, striking, or fighting another; and every person so offending shall forfeit and pay, for the use of the city, a sum not less than five dollars nor more than fifty dollars, for each and every offense.

SEC. 245. No person shall, within the limits of the said city of Cairo, disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within the place of worship, or so near as to disturb the solemnity of the meeting; and every person so offending shall forfeit and pay, for the use of the city, a sum not less than ten dollars nor more than fifty dollars, for each and every offense.

SEC. 246. No person shall, within the limits of the city, disturb any lawful assemblage of people by rude and indecent behavior or otherwise, or injure, deface, or in any manner molest any church, school house, court house or other public building; and every person so offending shall forfeit and pay, for the use of the city, a sum not less than five dollars nor more than twenty-five dollars, for each and every offense.

SEC. 247. No person shall, within the limits of the city, fire or discharge any musket, cannon, rifle, fowling piece, gun, pistol, or other fire-arms, except in the lawful defense of person or property, or by any military company or assemblage of citizens at some public celebration, neither discharge or set off any cracker, rocket, torpedo, squib, or other fire works, within the limits of the city, except during some public celebration, or on the twenty-second day of February, fourth of July, Christmas and New Year's Day, and eighth of January in every year; and every person so offending shall forfeit and pay, for the use of the city, a sum not less than three dollars nor more than fifteen dollars, for each and every offense.

#### DRIVING ON SIDEWALKS.

SEC. 248. No person shall lead, ride or drive any beast of burden, or vehicle, on any sidewalk in this city, otherwise than going into or out of premises owned or occupied by himself or his

employer ; and every person so offending shall forfeit and pay, for the use of the city, a sum not less than one dollar nor more than fifteen dollars, for each and every offense : *Provided*, the place of crossing said sidewalk shall be protected by planks or otherwise, so as to prevent injury to it ; and every person who shall willfully break, destroy, injure, or remove any portion of the sidewalk or street crossing, constructed by authority of the city council, shall forfeit and pay, for the use of the city, a sum not less than five dollars nor more than fifty dollars.

## DOGS.

SEC. 249. No dog or slut shall run at large within the limits of the city of Cairo, unless the owner thereof shall put and keep upon the neck of such dog or slut a collar made of some durable substance, on which the name of such owner shall be inscribed in plain letters, and unless such owner shall also give his name and a description of such dog or slut to the city marshal, who shall register the same in a book to be kept by him for the purpose, and at the same time pay to the said city marshal, for the use of the city, the sum of one dollar and fifty cents for each and every dog, and three dollars for each and every slut kept or owned by him and suffered to run at large, and thereafter, annually, pay a like tax on such dog or slut ; and, as a registry fee, the said city marshal shall retain and keep fifty per centum of the amount of taxes collected by him.

SEC 250. Every dog or slut running at large contrary to the provisions of this chapter, shall be deemed a nuisance, and the owner thereof shall forfeit and pay, for the use of the city, the sum of five dollars, and every such dog or slut shall be killed by or under the direction of the city marshal and removed from the city, and the said city marshal, for every dog or slut so killed and removed, shall be allowed and paid from the city treasury the sum of one dollar.

SEC. 251. If any slut be found running at large within the limits of the city during the period of her heat, the owner thereof shall forfeit and pay to the said city a sum not less than

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two dollars nor more than ten dollars, and the said slut shall be killed by or under the direction of the said city marshal and removed from the city; and for each slut so killed and removed, the said city marshal shall be allowed and paid from the city treasury the sum of one dollar and fifty cents.

SEC. 252. Whenever the mayor or president *pro tempore* of the city council of the city of Cairo shall be of opinion that any danger of hydrophobia exists in the said city, he shall issue his proclamation requiring all persons within the city to confine their dogs, if any they have, for such time as he may designate; and all dogs found running at large in said city during the time designated, shall be killed by or under the direction of the city marshal and removed from the city, and for every dog so killed and removed, the city marshal shall be allowed and paid out of the city treasury the sum of one dollar.

SEC. 253. If any person or persons shall in any way prevent or attempt to prevent the said city marshal, or any person acting under his direction, from killing any dog or dogs, slut or sluts, as herein provided for, or from performing any duty required by this chapter, he, she, or they shall forfeit and pay to the said city of Cairo a sum not less than ten dollars nor more than twenty-five dollars, for each and every offense.

SEC. 254. The provisions of this chapter shall not apply to any dog or slut under the age of six months, nor to any dog or slut brought into the city by the owner thereof, such owner not being a resident, until such dog or slut shall have been in the city three days, except in the cases provided for in the last two preceding sections, the provisions of which said sections shall apply to all dogs found in the city, whether the owners reside in the city or not.

SEC. 255. The said city marshal shall report to each stated meeting of the board, the amount of taxes received, and dogs killed under the provisions of this ordinance.

#### DRUNKENNESS.

SEC. 256. Every person found in a state of intoxication in any highway, thoroughfare, street, avenue or other public place in the

city, shall be arrested by the police constable or police officer, or watchman, on view, with or without process, and committed to the city jail or other safe place, until sober, at which time, or as soon as may be, he shall be taken before a police magistrate having jurisdiction, and shall forfeit and pay, for the use of the city, a sum not more than ten dollars nor less than one dollar, with all costs and expenses incurred from the time of his apprehension.

#### FALSE WEIGHTS AND MEASURES.

SEC. 257. Every person who shall, within the limits of the city, sell to any other person by false weight or measure, or sell or expose to sale as having been correctly weighed or measured, any such article as being of a certain weight or measure, when in truth and fact it falls short in weight or measure, shall pay, for the use of the city, a sum not less than three dollars, nor more than twenty-five dollars for each and every offense.

#### GAMING HOUSES AND GAMBLERS.

SEC. 258. If any person or persons shall by himself, themselves or agent, keep, have, maintain or support a common gaming house, table or room within the city limits, or if any person or persons by themselves or agents shall procure or permit any person or persons to frequent or come together at any time to play for money or other thing of value, or thing representing or intended to represent money or other valuable thing, in any place occupied by such person or persons ; or if any person or persons shall play for money or other valuable thing, or for anything representing money, or other thing of value, at any game with cards, dice, checks, billiards, or with any other article, instrument, or means whatsoever, which may be used for the purpose of playing or betting upon, or by which money or other valuable thing may be won or lost, or if any person or persons shall have in his, her or their possession any gaming implement, or implements, for the purpose of gaming therewith within the limits of the city of Cairo, every person so offending shall forfeit and pay for the use of said city, a sum not less than ten dollars nor more than one hundred dollars for each and every offense.

SEC. 259. If any person shall be found in the city playing at unlawful games as an occupation, and not having any other visible means of support, such person shall on conviction thereof, forfeit and pay for the use of the city the sum of fifty dollars, and be confined in the city jail and be fed on bread and water only, for any term of time not less than five nor more than thirty days, according to the nature and aggravation of the offense.

#### FALSE ALARMS.

SEC. 260. Any person who shall willfully give or make a false alarm of fire or watch, tending in either case to the collection of persons on the streets, sidewalks, or other public places, to the obstruction of the same, for any purposes whatsoever, shall be subject to a fine not exceeding twenty-five dollars.

#### GUNPOWDER.

SEC. 261. Any person or persons, corporation or body politic, who shall keep, have, possess or store at or in any place within the limits of the city, at any time, more than twenty-five pounds of gunpowder; every person having charge of any vehicle on which is more than twenty-five pounds of gunpowder, who shall suffer or allow such vehicle with gunpowder thereon to be and remain within the limits of the city for more than one hour; every person having charge of more than twenty-five pounds of gunpowder, who shall suffer or allow it to remain on any street, avenue, or sidewalk of said city for more than thirty minutes; and every person having charge or control of any steamboat, ferryboat, barge, flat-boat, or vessel, to be and remain within the limits of the city of Cairo for more than one hour; any such person violating any of the provisions of this section shall forfeit and pay, for the use of the city, a sum of not less than ten nor more than one hundred dollars, for each and every offense.

SEC. 262. Every steamboat, ferryboat, barge, flat-boat, or vessel, having on it more than twenty-five pounds of gunpowder, which shall be and remain within the limits of the city of Cairo for more than one hour, shall be and is hereby considered, adjudged and declared to be a public nuisance, and as such the city marshal, or

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any police constable, is hereby authorized, empowered and required to remove the same out of and beyond the corporate limits of said city of Cairo.

SEC. 263. If the city marshal or any police constable shall have reason to believe, or is informed, that gunpowder in larger quantities than is allowed by this chapter is kept, stored or contained in any place or on any steamboat, ferryboat, barge, flat-boat or vessel, it shall be his duty to make an examination of such place or vessel, and if any person or persons shall hinder, obstruct or delay, or attempt to hinder, obstruct or delay him in the execution of any of his duties under this chapter, or shall offer any resistance to the city marshal or police constable by threats of violence or otherwise, while engaged in the execution of his duties under this chapter, he or they shall forfeit and pay to the city of Cairo, a sum not less than fifty dollars nor more than five hundred dollars.

SEC. 264. If the city marshal or police constable, upon the same being brought to his notice, shall refuse or neglect to perform the duties required of him by this chapter, he shall forfeit and pay to said city of Cairo, a sum not less than ten dollars nor more than three hundred dollars, for each and every such refusal or neglect.

SEC. 265. It shall be the duty of every person or copartnership of persons, or body corporate, keeping or having gunpowder for sale, or store within the city limits, to cause to be placed in front of his or their place of business, a sign, with the word "gunpowder" plainly printed or painted thereon; and every person, copartnership of persons, or body corporate, who shall violate the provisions of this section, shall forfeit and pay a sum not less than fifty dollars and not more than one hundred dollars, for each and every offense.

#### HITCHING POSTS, ETC.

SEC. 266. It shall be lawful for persons in said city to place hitching posts on the streets except Levee street, in front of their stores or houses, at the outer edge of the sidewalk, and at no other place: *Provided*, that no other kind or description of posts,

pillars, rails or uprights, except telegraph poles, such awning posts and such lamp posts as may be authorized, shall be placed or suffered to remain on any sidewalk, street or avenue in the city; and every person violating any of the provisions of this section shall forfeit and pay to the city a sum not less than five nor more than fifty dollars for every offense, and the further sum of ten dollars for every day he, or she, or they shall persist in such violation after the first conviction.

SEC. 267. It shall not be lawful for any person in the city to leave standing unfastened any horse, mule, or other animal, or any team of either in harness or attached to any wagon, carriage, dray, cart, or other vehicle, so that the same may be liable to run away; nor shall any person cause, suffer or permit any horse, mule, ox, bull or jack to run at large or pass through any street or avenue without a suitable driver; and every person violating the provisions of this section shall forfeit and pay to the city not less than five dollars nor more than fifty dollars, for each and every offense.

#### INDECENT CONDUCT AND FAST DRIVING.

SEC. 268. No person shall make or cause to be made, within the limits of the city, any indecent exhibition of himself or herself, of any horse or animal, or shall, within the said limits, immoderately drive or ride, or cause to be so rode or driven, any horse or other animal, unless in case of urgent necessity; and every person so offending shall forfeit and pay, for the use of the city, a sum not less than five dollars nor more than fifty dollars for each offense.

#### MEETING OF VEHICLES.

SEC. 269. In all cases of persons meeting each other in vehicles in any planked or paved highway or thoroughfare, or upon or near any bridge, each person so meeting shall in all cases turn off and go to the right side. Whoever shall violate this section shall be subject to a fine of not less than two dollars nor exceeding fifty dollars.

#### POISON.

SEC. 270. No person shall vend, give or deliver, within the city, any deadly poison, knowing the same to be such, without

marking the same, in legible characters, "poison," under a penalty of five dollars for each offense.

#### RAILROADS.

SEC. 271. No railroad company or conductor, engineer, or other employe of any railroad company, or other person managing or controlling any locomotive engine, car or train, upon any railroad track, shall, in the inhabited part of the city below Twentieth street, run, or cause, or suffer or permit to run, any such locomotive engine, car or train, under his or their charge or control, upon any such railroad track, at a speed exceeding six miles per hour.

SEC. 272. No railroad company, or employe of any railroad company, or other person, shall leave or place, or cause, or suffer, or permit to be left or placed, any locomotive engine, car or train, upon any railroad track at the crossing of any traveled street intersecting such railroad track, so as to obstruct the free passage way along said street.

SEC. 273. Every person offending against the provisions of this and the preceding section, shall forfeit and pay to the city of Cairo, a sum not less than twenty-five dollars nor more than fifty dollars, for each and every offense.

SEC. 274. No railroad company or employe of any railroad company, or other person, shall lay down, construct or operate more than a double line of rail on any portion of Levee street; and every railroad company, employe of any railroad company or other person, who shall put or place, or cause to be put or placed, or who shall run or cause to be run on or over any third track upon said Levee street, any locomotive engine, cars or train, or who shall otherwise violate the provisions of this section, shall forfeit and pay to the said city of Cairo, a sum not less than twenty-five dollars nor more than fifty dollars for each and every offense.

SEC. 275. No railroad company or employe of any railroad company, or other person, shall run or cause or suffer or permit to be run, forward or backward, any locomotive engine, railroad car, or train on any railroad track in said city, without having in the night-time a brilliant and conspicuous light, and in the day-time a

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watchman on the advancing end of such locomotive, engine, car or train.

SEC. 276. It shall not be lawful for any person to run or cause to be run any locomotive in said city of Cairo, without having placed upon the top of the chimney thereof a bonnet or spark catcher sufficient to prevent all accidents by fire from the sparks of such locomotive ; nor shall it be lawful for any person to run or cause to be run in said city any locomotive having the fire pan of the same down when so running.

SEC. 277. The bell of each locomotive engine shall, immediately on entering within the limits of said city of Cairo, be rung until such locomotive shall reach its destination in said city ; and the bell of each locomotive departing from the city shall be rung immediately on leaving the depot or starting point, and continue to be rung until the said locomotive passes beyond the limits of said city ; and any and every railroad company, conductor, engineer, or other agent or employe of any railroad company, and every other person, who shall violate or fail to observe the provisions of the above sections shall forfeit and pay to the said city of Cairo a sum not less than twenty-five dollars nor more than fifty dollars for each and every offense.

#### SCAFFOLDS.

SEC. 278. All scaffolds erected in this city for use in erection of stone, brick, or other buildings, shall be well and safely supported, and of sufficient width and properly secured so as to insure the safety of persons working thereon, or passing under or by the same, against the falling thereof, or of such materials as may be used, placed or deposited thereon. Any scaffold which may be otherwise erected shall be deemed a nuisance ; and any person who shall erect or use, or cause to be erected or used, any scaffold contrary to the provisions hereof, shall be subject to a fine of not less than five dollars and not exceeding one hundred dollars, and to a like fine for every day the same shall remain after notice to remove.

## SELLING GOODS ON SUNDAY.

SEC. 279. Every person within the limits of the city, who shall sell or offer to sell or barter any goods, wares or merchandise or other article after nine o'clock in the morning, on the Sabbath day, unless it be provisions to eat, refreshments for travelers or medicines for the sick, shall forfeit and pay for the use of the city, a sum not less than five dollars and not more than twenty-five dollars for each offense.

## SELLING DISEASED AND UNWHOLESOME MEAT.

SEC. 280. Every person, who shall sell within the limits of the city, any dead flesh which was sick, overheated, or worn or run down by dogs, at or before the time when the same was butchered or slain, or which has died a natural death, out of the usual manner of slaying animals for food, or has been killed by accident or casualty, or which is blown, stuffed or in any way unsound, or shall sell or offer to sell any unsound fish, eggs, butter, lard, or other damaged article of provision, shall forfeit and pay for the use of the city, a sum not less than five dollars and not more than fifty dollars, for each and every offense : *Provided*, that the sale or offer to sell to each person shall constitute a separate and distinct offense by the person selling or offering to sell.

SEC. 281. Every person who shall within the limits of the city, sell or offer to sell the flesh of any bull, boar, ram, dog, cat, or the flesh of any animal not commonly deemed wholesome or fit for food, without representing to every person wishing to purchase, the nature and quality, character and name of such flesh, shall forfeit and pay, for the use of the city, a sum not less than five dollars, nor more than fifty dollars for each and every offense.

## SHUTTING UP CERTAIN HOUSES.

SEC. 282. Whenever the mayor shall deem it necessary for the public welfare, that any public house where intoxicating liquors are sold, and where persons of either sex congregate, make or cause to be made any unusual noise or disturbance, either by day or by night, having caused or likely to cause a breach of the peace, riot,

mob, or other disturbance, to the annoyance of the neighborhood, it shall be his duty, and he is fully empowered and directed to order the closing of such house forthwith—the same to be kept closed for such time as the public safety demands, to be determined by the mayor and common council.

SEC. 283. Any person violating the previous section, being the owner or keeper of such a house, who refuses to comply with the demands of the mayor, or any occupant or participant, who may oppose the officers in the discharge of their duties in arresting parties for violations of the previous section, shall forfeit and pay for the use of the city, in the former case not less than fifty dollars nor more than one hundred dollars; and in the latter case not less than twenty nor more than fifty dollars.

#### TREES.

SEC. 284. All trees placed in any street or avenue in the city shall be set at a distance not exceeding one foot outside of the outer line of the sidewalks, and all such trees shall be placed at least twelve feet apart; and any person violating the provisions of this section shall forfeit and pay to the city not less than five dollars nor more than fifty dollars.

#### VAGABONDS.

SEC. 285. All able-bodied persons, who, not having visible means to sustain themselves, are idle, without employment, or are found loitering or rambling about, or wandering about, or lodging in groceries, drinking saloons, tippling houses, beer houses, out houses, houses of ill-fame, vessels, sheds or caves, or in the open air, or shall be found trespassing in the night-time upon the private premises of others; or wandering abroad and begging; or going about from door to door begging; or placing themselves in the streets or other thoroughfares, or in public places, to beg or receive alms; and all persons, who, for the purpose of watch stuffing, travel about or go from place to place; and all persons upon whom shall be found any instrument or thing used for counterfeiting, or for the commission of burglary, larceny, or for picking locks or pockets; or any galvanized watches or stuffed watches, or anything

used for obtaining money under false pretenses ; or any Mexican puzzle or other implement or device used by cheats and swindlers, shall forfeit and pay, for the use of the city, a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the city jail for a term not exceeding three months.

SEC. 286. Any person or persons found within the city limits loitering about common ordinaries, bar-rooms, houses of ill-fame, or wandering about the streets, either by night or by day, and not having any place of known residence or any visible means of livelihood and support, and not being able to give any satisfactory account of themselves, such person or persons, on conviction thereof, shall forfeit and pay, for the use of the city, any sum not to exceed twenty-five dollars, and be confined in the city jail, and fed on bread and water only, for any period of time not exceeding twenty days, nor less than twenty-four hours.

SEC. 287. If any person shall attempt to pick pockets, or set fire to any building, or be found in the yard or out-house of any citizen, with intent to rob and plunder, or shall have in his possession materials for housebreaking, or materials for setting fire to any building, or have upon his person concealed weapons, he shall, on conviction thereof, forfeit and pay, for the use of the city, a sum not to exceed fifty dollars, and be punished by imprisonment in the city jail, being fed on bread and water only, for a space of time not exceeding ninety days.

#### VAULTS AND AREAS.

SEC. 288. It shall be lawful for the owners of lots or buildings in the city to use and occupy such portion of the street or avenue under the side walk in front of each lot as they may deem expedient, for the purpose of constructing vaults, provided the outer line of said vault shall not extend beyond twelve feet from the front line of each lot, said outer line not being beyond the outer line of said side walk, and provided also that said vaults shall be constructed under the direction of the city engineer, with substantial walls of stone, brick, wood or other materials, in such manner as effectually to resist the pressure of the ground on each side of it, and be covered over in such manner as not to interfere with the

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grade of the side walk, and furnish a safe, convenient and substantial passage way across and over it.

SEC. 289. It shall be lawful for the owner of lots or buildings in said city, to use and occupy portions of streets and avenues in front of each lot, for entrances to buildings and areas or entrances to basements, to the following extent, viz.: On streets and avenues which are one hundred feet in width, they shall be permitted to use and occupy four feet of the street, excepting on Levee street, where they shall be permitted so to use and occupy seven feet of the street, provided that all areas or entrances to basement shall be protected by substantial and safe grating or railing.

SEC. 290. Every person who shall construct any vault he may wish to build in any other manner than herein provided for, or shall fail to protect any area or entrance to a basement as herein required, shall forfeit and pay to the city a sum not less than ten dollars, nor more than one hundred dollars for each and every offense, and in addition thereto, ten dollars for each and every day after conviction under this chapter he shall fail or neglect so to construct his vault or protect his area as is herein required.

#### WELLS.

SEC. 291. It shall not be lawful for any person to dig or sink any well within the city limits without first registering the position of the same in the city clerk's office. All wells must be curbed from the bottom up to the regular established grade of the city, and from the top of said curb to five feet beneath the natural surface of the ground be laid with cement—in all cases the work to be done under the supervision of the city engineer.

#### WEARING BADGES OF POLICE, ETC.

SEC. 292. It shall not be lawful for any person not duly elected or appointed by the mayor or city council a police constable of the city to wear the badge of the city police, and any person offending against the provision of this section shall forfeit and pay for the use of the city a sum of not less than ten dollars nor more than fifty dollars for each and every offense.

SEC. 293. It shall not be lawful for either sex to dress in the garments of the other sex ; and any person or persons violating the foregoing provision shall, on conviction thereof, forfeit and pay for the use of the city, a sum of not less than five dollars nor more than ten dollars, for each and every offense.

#### WHISTLING OF STEAMBOATS, ETC.

SEC. 294. It shall not be lawful for any steamboat, or any captain or employe of any steamboat, or any water craft of any description, lying at the port of Cairo, to cause or have the whistle of said water craft blown or whistled. Any steamboat, person, employe, owner or captain of any water craft, offending against the provisions of this section shall, on conviction before a police magistrate, forfeit and pay to city for its use and benefit, a sum not less than ten dollars nor more than fifty dollars, for each and every offense.

### CHAPTER XIII.

#### PRESERVATION OF PUBLIC HEALTH.

##### SECTION—

- 295. Landing persons infected with the small pox, etc., without permit so to do ; what penalty for.
- 296. Examination of boats to be made ; how ; where ; when ; fine.
- 297. Concealing the fact of contagious diseases being on board ; what fine for.
- 298. Persons with small pox, etc., to remain in their dwellings ; penalty.

##### SECTION—

- 299. Character of the disease to be posted up near the place, etc., by city marshal ; penalty for neglect.
- 300. Board of Health, how constituted.
- 301. Proprietors of house to give notice of an infectious disease ; how ; to whom ; what fine.
- 302. Practising Physicians to give notice to whom, of infectious disease ; and where ; penalty.
- 303. Hospital may be established ; when.

SECTION 295. If any owner, master, or other person, having charge or command of any steamboat, ferryboat, or other water craft, shall land or bring on shore, or cause or suffer to be landed or brought on shore, any person infected with the small-pox, yellow fever, cholera, ship fever, or any other contagious, infectious or epidemic disease, within five miles of the city of Cairo, and in the

State of Illinois, without obtaining a license to do so from the mayor and aldermen of the city of Cairo, he or they shall forfeit and pay a fine of not more than five hundred dollars nor less than fifty dollars, to be sued for in any court having jurisdiction thereof, for the use of the said city.

SEC. 296. If, from information or by other means, either the mayor or any one of the aldermen of the said city of Cairo shall have cause to suspect that any steam or other boat is about to land or has landed within the limits of the city, or within five miles thereof, with the small-pox, yellow fever, cholera, ship fever, or any other contagious, infectious or epidemic disease on board, or whose passengers or crew may have lately been exposed to any of the aforesaid diseases, it shall be his duty to order an examination by some respectable physician, and if, upon such examination, it should be the opinion of said physician that it would be unsafe for the inhabitants of said city of Cairo that such boat be permitted to land her passengers, crew, or cargo, he shall thereupon cause the said boat to remove to the distance of at least five miles from the city, and there perform quarantine before landing within the limits of the city of Cairo, for any number of days not exceeding thirty, as in the opinion of the physician shall be deemed necessary. And if any master or person having charge of such boat shall fail or refuse to remove it as herein directed, he shall forfeit and pay a fine of not more than five hundred dollars nor less than fifty dollars, to be sued for in any court having jurisdiction thereof, for the use of said city, and the action to be brought against the said master, owner, or boat.

SEC. 297. If any master or other person, having command of any boat as aforesaid, at the time of inquiry by such physician, shall have on board any person infected as aforesaid, and shall knowingly and willfully conceal the same, or shall not make a true and just discovery to the physician of the sickly and disordered state of all and every person on board, from the time said boat departed from the port or place whence she came, to the time of said inquiry, and of all other particulars necessary for said physician to know respecting the premises, such master or person having command of

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such boat shall forfeit and pay a fine of not more than five hundred dollars nor less than twenty-five dollars for each and every such offense, to be sued for in any court having jurisdiction thereof, for the use of said city, and in an action against the master, owner, or boat.

SEC. 298. All persons in the vicinity of Cairo having the small-pox, varioloid, or other contagious or infectious disease, are hereby required to keep closely confined in their respective dwellings or places of abode; and if any person shall leave his or her dwelling or place of abode, and be found going around the city after the small-pox or varioloid eruption has made its appearance upon him or her, he or she shall forfeit and pay to the city a sum not less than ten dollars nor more than one hundred dollars.

SEC. 299. The city marshal, upon due information of any such infectious or contagious disease existing, shall cause suitable notices, with the character of the disease printed or written in large letters thereon, to be posted up in two conspicuous places, near the building or place in which such contagious or infectious disease exists, and have such notices kept up during the prevalence of such disease; and for failing to comply with the requirements of this section, he shall be liable to pay a fine of not exceeding one hundred dollars nor less than ten dollars.

SEC. 300. The mayor of the city, in connection with one alderman from each ward, shall constitute a board of health, which shall exercise a general supervision over the public health of the city, and shall make, from time to time, such sanitary regulations as they may deem expedient and necessary to promote or preserve the same, or to prevent the introduction or spreading of any contagious, malignant or pestilential disease.

SEC. 301. It shall be the duty of the proprietor or occupant of any house in which the small-pox or other infectious disease shall make its appearance, immediately to give notice to the mayor or city marshal of the same; and upon a failure to do so, he shall be liable to a fine of not less than twenty-five nor more than one hundred dollars.

SEC. 302. Any practising physician who shall have any patient

within the city of Cairo, laboring under any contagious, infectious or pestilential disease, shall forthwith make report thereof to the mayor or city marshal, describing the locality of the patient, so that he or she may be easily found; and upon a failure so to do, said physician shall be liable to a penalty not exceeding twenty dollars.

SEC. 303. It shall be lawful for the board of health to establish a hospital for contagious and infectious diseases, and to remove patients thereto, when it shall be necessary in their opinion to the public safety.

## CHAPTER XIV.

### PUBLIC WORKS.

#### SECTION—

- 304. How the work of grading shall be done, and under whose supervision; what shall be Board of Public Works, to keep records, etc.
- 305. When to be appointed.
- 306. Within what time after appointment must meet to organize.
- 307. Not to be interested in any contracts.
- 308. If appointment not accepted in twenty days; what.
- 309. What are the duties of the Board of Public Works; contracts for work are to be made.
- 310. When owner may plank, fill, etc., his own part at his own expense, before his own property.

#### SECTION—

- 311. After contract awarded, to be submitted to City Council; how assessments for work shall be made; how collections, etc., etc.
- 312. The general provisions of chapter XV. to apply.
- 313. When assessments are collected, to be divided and kept separate and applied to no other purpose; every assessment to be numbered, etc.
- 314. Board of Public Works to decide whether or not work properly performed, and to certify the same.
- 315. If assessment insufficient, other assessment to be called for.
- 316. If any person resist any Street Committee, Board of Public Works, etc., what the penalty.

SECTION 304. The work of grading and filling the streets and avenues of the city shall be done under the direction and management of a board of public works. This board shall consist of five members, all of whom shall be owners of real estate in the city, and a majority of them residents of the city. Said board shall have charge, superintendence and management of the grading and filling up of the streets and avenues of the city, provided that the

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city council shall at all times direct upon what streets and avenues the grading and improving shall be done, and shall be, and are hereby authorized to make such contract, to employ and discharge from time to time such superintendents, workmen and teams as they may deem necessary, and pay the persons employed such salaries and wages as they shall deem proper. Three of said board shall constitute a quorum to do business, and the acts of a majority of those present shall be binding upon the whole. They shall keep a record of their acts and doings; shall keep and preserve copies of all contracts, receipts, estimates, plans, etc., and shall report their acts and doings in detail to the city council at every monthly meeting of the board.

SEC. 305. On the first Monday in April in each year, or at the first general or special meeting of the city council thereafter, there shall be appointed members of the board of public works to succeed those whose terms of office will then expire; and such appointments shall be for two years each. Should a vacancy occur, it shall be filled at any general or special meeting of the city council, and the member appointed shall hold his office for the unexpired term. The mayor shall be *ex officio* a member, and the city clerk shall be secretary of the board of public works.

SEC. 306. Within ten days after the appointment of the new members of said board, and notice of their appointment shall have been given to them by the city clerk, the members of said board of public works shall proceed to organize by appointing a president.

SEC. 307. No member of the board of public works, nor any person in the employ thereof, shall be interested, directly or indirectly, in any contract made and entered into with said board; and any contract in which any member or officer of said board shall be interested, shall be void and of no effect.

SEC. 308. If the appointments as members of the board of public works are not accepted within twenty days after the publication of the proceedings of the city council by which the appointments were made, they shall be considered as not accepted, and the council shall fill the vacancies at their next meeting by new appointments.

SEC. 309. Whenever the city council of the city of Cairo shall, by resolutions or ordinance, direct and authorize the filling, grading, paving or planking, or re-filling, re-grading, re-paving, re-planking or repairing any street or avenue, or any portion of any street or avenue, (the construction of sidewalks, crosswalks and footwalks being excepted,) it shall be the duty of the board of public works to cause a survey, plat or profile, and specification and estimates of the contemplated work, to be made and deposited with their secretary. When so deposited, the secretary of the board of public works shall give notice for twenty days in the newspaper publishing the ordinances of the city or by posting up notices in four public places of the city, two of which shall be contiguous to the contemplated work, that such profiles, specifications or estimates are deposited in his office and are open for inspection and examination, and shall at the same time and in the same manner and for the same length of time advertise for proposals for doing said work. The bids for the doing of such work shall be sealed bids directed to the board of public works of the city of Cairo, and shall be opened at the hour and place mentioned in said notice, by said board of public works. When the bids for doing the proposed work shall have been opened, the contract for doing the same shall be awarded to the lowest responsible bidder or bidders, who will sufficiently guarantee, to the satisfaction of said board, the performance of said work, under the superintendence of said board, within such time as may be fixed by contract.

SEC. 310. The owner or owners of any lot or lots fronting or abutting on any street, or avenue, or portion of any street or avenue, ordered by the city council to be filled, graded, paved or planked, shall have the right to do the said work of filling, grading, paving or planking in front of his, her or their own lot or lots, and receive a proportionate credit therefor, provided said work is done within the time fixed by the city council for doing the same, notice of said time to be given by publication in the newspaper publishing the ordinances of the city.

SEC. 311. At the first general or special meeting of the city council after the contract or contracts for the performance of any

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filling, grading, paving, planking or repairing has been awarded, copies of such contracts shall be submitted to said council, together with the plans, profiles, specifications and estimates of the work to be done, and thereupon an order shall be made assessing and levying the whole amount provided by said contracts to be paid for the work provided for therein, as also the costs of making the surveys, profiles and estimates, upon the whole number of lots bounding, abutting or fronting on the street or avenue or portion of street or avenue on which said work is contracted to be done, an equal share upon each lot fronting on said work. An order shall also be made authorizing and directing the collection in monthly installments of twenty-five per cent. each, in the legal currency of the United States, of the several amounts assessed and levied as above specified, provided that the first installment shall be due and payable within sixty days after the delivery of the warrant for collection to the assessor and collector, and each subsequent installment shall become due and payable in thirty, sixty, and ninety days, respectively, after the first installment becomes due and payable, and it shall be the duty of the city clerk to make out without delay and deliver to the assessor and collector copies of said orders of assessment and collection, which copies certified to by the city clerk under his seal of office, and countersigned by the mayor, shall be the assessor's and collector's warrant for collection of said special assessment. When said warrant shall have been received by the assessor and collector it shall be his duty to give twenty days' notice, by publication in the newspaper publishing the ordinances of the city, that he has received such warrant, describing the same by number and date, the property assessed, the amounts assessed upon and to be collected from each lot, and the purpose for which collected, and the day upon which the amounts severally become due and payable.

SEC. 312. Except as herein provided, the payment and collection of all assessments under this ordinance shall be enforced and made in the same manner as is now provided in Chapter XV., entitled "Revenue," of this ordinance, and by the laws of the State for the collection of taxes.

SEC. 313. When the assessments provided for by ordinance shall have been collected, they shall be held by the city treasurer as a special fund to be applied to the payment of the costs and expenses of the work, and orders drawn on the city treasurer, in payment of said work, shall specify the fund from which they are to be paid, and said fund shall be used for no other purpose whatever than for the payment of such work. To effect this object, every assessment under this ordinance shall be numbered consecutively in the order in which they shall be authorized by the city council, and a special account shall be kept by the city treasurer of the receipts and expenditures for each assessment.

SEC. 314. In all contracts entered into under and by virtue of this chapter, the right shall be reserved to the board of public works to finally decide all questions arising as to the proper performance of said work, and the sufficiency of the security offered for its performance, and in case the work is not done according to contract to reject the same. But in all cases where the contractor or contractors shall properly perform and complete their contracts to the satisfaction of the board of public works, according to the plans and estimates thereof, the said board shall then certify the same to such contractor or contractors, giving him or them a certificate of the proper performance thereof, the nature and amount of the work done, and the property chargeable therewith, which certificate shall be countersigned by the mayor and entitle the holder or holders thereof to receive the amount that may be due thereon from the assessment collected for the doing of such work or making of such improvements.

SEC. 315. If from any cause the assessments or any of them provided for by this chapter, should prove insufficient to finish the contemplated work, the city council may at any time make and collect other assessments for the same purpose, in the manner indicated herein, until sufficient funds shall have been realized to pay for the proposed work. If from any cause too large a sum should be at any time raised, the excess shall be refunded, rateably, to those by whom it was paid.

SEC. 316. If any person or persons shall resist, oppose or

obstruct the street committee, board of public works, or any or either of their superintendents, contractors, engineers, workmen or assistants, or any superintendent, contractor, engineer, assistant, workman or officer, acting under the authority of the city council, the street committee or board of public works, in the prosecution of any work, or in the enforcement of any of the ordinances of the city, he, she or they shall forfeit and pay to said city a sum not less than fifty dollars nor more than one hundred dollars, for each and every offense.

## CHAPTER XV.

### REVENUE.

#### SECTION—

- 317. When assessment shall be made.
- 318. Assessor may demand list of property; when.
- 319. If any person refuse to list property.
- 320. If owner be unknown, what.
- 321. If property be found not assessed in any previous year.
- 322. When return of assessment shall be made.
- 323. When assessment list delivered; meeting to correct errors, etc.
- 324. Duty of Assessor and Collector to attend such meeting.
- 325. Persons aggrieved may complain.
- 326. City Council to determine matters in summary manner.
- 327. When assessment list corrected; what shall be done.
- 328. What City Clerk shall do; how to carry out tax list.
- 329. When Assessor and Collector to pay over moneys collected.
- 330. Assessor and Collector to give notice of the possession of warrants for the collection of taxes.

#### SECTION—

- 331. If payment not made within thirty days; what done.
- 332. Assessor to collect and make out a list of delinquents; when; how lands shall be sold, etc., etc.
- 333. Within ten days to make out report of sales; how; to be recorded, where.
- 334. City Clerk to certify amount of taxes levied; Collector to be credited with amount on books of City Treasurer.
- 335. When real estate sold and forfeited to the city.
- 336. Right of redemption.
- 337. Money of redemption to be paid to whom.
- 338. When deed may be executed; how.
- 339. To whom deed may be made.
- 340. What kind of money Collector to receive.
- 341. The provisions of chapter to apply to sales, etc., made under sidewalk and street improvements.

SECTION 317. The assessor and collector shall, on the first Monday of April in each and every year, or as soon thereafter as is possible, proceed to examine and assess all property within the city subject to taxation, at its cash valuation, and shall make out in

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suitable books a list of all such property, which list shall contain, in separate columns, the name of the owner, if known, a description of the property and the valuation thereof.

SEC. 318. The assessor and collector is authorized to demand of every person owning or having charge of any taxable property as agent, guardian, trustee, or otherwise, a list of such property with such description as will enable him to list and assess the same, and shall have the power and is required, when not satisfied with such list, to examine the party under oath touching the same.

SEC. 319. If any person refuse a list of their property as aforesaid, or to testify under oath concerning property belonging to him or her, or under his or her charge, or deliver a correct description of their property at the office of the city treasurer and collector, or city clerk, within ten days after such demand shall have been made, or willfully omit any such property from the list furnished by him or her, the whole property belonging to or under the charge of such person shall be assessed at double its cash market value.

SEC. 320. If the assessor and collector find property within the city, the owner of which is unknown, he shall apply to the county recorder for the requisite information, and take such other means as may be in his power to obtain the same, and failing in this he shall mark the property as that of an owner unknown.

SEC. 321. If the assessor and collector shall find any property taxable but not assessed in some previous year, the same shall be assessed for each year in which it was not assessed, and the assessor shall note the same upon the assessment.

SEC. 322. It shall be the duty of the assessor and collector to make a full return of the assessment of all the property within the city by the second Monday of May in each year, to the city clerk, which said return shall be laid before the city council at the meeting thereof for the examination of such assessment.

SEC. 323. Upon the delivery of the assessment lists as aforesaid, to the city clerk, it shall be the duty of the mayor forthwith to call a meeting of the city council to hear and determine all appeals from the assessment of the assessor and collector, and to correct all errors that may be found in the lists; notice of such called meeting of

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the city council shall be published at least five days in the newspapers employed to publish the ordinances of the city, and until such meeting, the said assessment lists shall remain in the city clerk's office, open to the examination of any person interested therein.

SEC. 324. It shall be the duty of the assessor and collector to attend such meeting of the city council, and furnish all the information in his possession in relation to any property from the assessment of which any appeal may be taken to the city council for correction or change.

SEC. 325. All persons who consider themselves aggrieved by the assessment of their property, may appeal to the city council. Every such appeal shall be in writing, and shall specify the reason of the appeal and the matter or thing complained of, and shall be presented at the meeting of the city council called as aforesaid to hear and determine the same, and at no other.

SEC. 326. The city council, when convened for the purpose aforesaid, shall hear and determine all appeals in a summary way, and correct any error which they may discover in the assessment lists, and may place upon such lists any assessable property not already listed, and may increase or diminish any assessment as they may think fit, or may refer the same back to the assessor and collector, with instructions to revise and correct the same.

SEC. 327. When the assessment lists have been corrected and revised, an order confirming the same shall be made by the city council, and the list shall be filed in the city clerk's office. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be deemed sufficient for the several purposes for which taxes are by the city charter authorized to be levied, not exceeding the authorized percentage, and make an order directing a warrant to be issued for the collection thereof.

SEC. 328. Upon the receipt of the assessment lists, the city clerk shall record the same in an appropriate book for that purpose, and make out and deliver to the assessor and collector a fair and complete copy of the same, with the tax assessed to each individual carried out in a separate column, and take his official receipt therefor, and charge him with the full amount of said assessments.

SEC. 329. It shall be the duty of the assessor and collector to collect all warrants for taxes which may be placed in his hands for collection, and to pay over to the city treasurer on the first Monday of every month all money and city scrip collected by him, taking duplicate receipts therefor, one of which shall be filed with the city clerk.

SEC. 330. Upon the delivery of the warrants for taxes into the hands of the assessor and collector, it shall be his duty to give notice of the fact by publication for ten days in each of the papers printing the ordinances of the city, notifying all persons to pay the taxes assessed against them within twenty days from the date of said notice.

SEC. 331. If payment be not made within thirty days after the first publication of said notice, the assessor and collector shall proceed to collect the same by levying upon the personal property of the delinquent found within the city, and selling the same within ten days after the levy in the same manner in which constables are by law required to sell property taken by them under execution.

SEC. 332. On the first Monday of August, in each year, or as soon thereafter as practicable, the assessor and collector shall make out a list of the lots and tracts of land upon which taxes remain unpaid and from whom due, and apply to the county court of Alexander county for judgment against all such delinquent premises, as by law is now provided in such cases where the State and county taxes remain unpaid, and shall, upon receipt of a precept or order of sale from said county court, then proceed to sell the same in the same manner as is provided by such general State law; and the county clerk shall for his services, in entering up such judgment, and issuing such precept or order of sale, receive the same compensation as is or may hereafter be allowed by the general State laws for similar services, which, with the costs of advertising, shall be the only costs for which judgment shall be taken. If no one bid on any lot offered for sale, the same shall be forfeited to the city, and shall be thus marked on the books of the city clerk, and at the assessment in the following year, the city clerk shall have power to carry forward the forfeited tax upon the assessment list,

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and in case such premises are again forfeited, shall at the next ensuing year again carry forward the whole amount of the forfeited tax, and so on for five consecutive years.

SEC. 333. Within ten days after any sale, the assessor and collector shall make out in duplicate a minute and specific report or statement of the sales made by him, one copy of which he shall cause to be recorded in the recorder's office of Alexander county, and the other to be filed with the city clerk, who shall record the same in a suitable book for the inspection of all parties interested.

SEC. 334. The city clerk, from such report, shall certify to the city council the gross amount of the taxes assessed on any and all lots sold to the city at any tax sale as aforesaid ; and the assessor and collector shall be credited with the said gross amount of such forfeitures on the books of the city treasurer, and also for money or city scrip paid into the treasury by the assessor and collector arising from sales to individuals.

SEC. 335. Whenever real estate shall have been sold for taxes and forfeited to the city, and shall be again advertised for sale for the taxes of a subsequent year, the assessor and collector shall state in his advertisement thereof, not only the amount due for the year in which he advertises it, but also the amount of taxes for which it was previously forfeited to the city, with the costs and interest, which will be due thereon at the day of the sale ; and any individual purchasing such real estate at such sale shall, before receiving a certificate of his purchase, pay the amount bid at the sale at which he purchases, and also the amount previously due the city as stated by the assessor and collector in his advertisement.

SEC. 336. The right of redemption in all cases from sales for taxes shall exist to the owners, their heirs, executors or assigns, to the same extent as is allowed by the laws of the state in all cases of sales of real estate for taxes, for State and county purposes, on the payment in the legal currency of the United States, to the city clerk, of double the amount for which the same was sold, and all taxes accruing subsequently to the sale, with interest and costs, whereupon he shall give to the party a certificate, under the seal of the city, reciting the sale, purchase and redemption.

SEC. 337. Money paid to the city clerk in redemption of real estate purchased at a tax sale by an individual, shall be paid by the city clerk to the purchaser upon his applying therefor and producing the assessor and collector's certificate of his purchase, and indorsing thereon a receipt for the amount.

SEC. 338. If any property sold as aforesaid be not redeemed within the time and in the manner aforesaid, the city council shall, upon the return of the certificate of sale, or proof of its loss and contents, direct a deed to be executed to the purchaser, under the corporate seal, to be signed by the mayor or presiding officer of the city council and countersigned by the city clerk, conveying to such purchaser the premises so sold, which shall recite substantially the amount of the tax, the year for which it was assessed, the day and year of the sale, the amount for which the real estate was bid off, a full description thereof, and the name of the purchaser.

SEC. 339. Deeds to property may be made to the holder of the certificate of purchase, when said certificate has been transferred in writing by the original purchaser of any real estate.

SEC. 340. It shall be the duty of the assessor and collector, when taxes are paid to him, to receive therefor either the legal currency of the United States, or city scrip or orders, and to give his receipts for the same, and to mark in his books by whom paid opposite the number of each lot.

SEC. 341. Whenever it becomes necessary to sell lots or lands in the city of Cairo, for the non-payment of assessments levied for street improvements or sidewalks or crosswalks, the provisions of this chapter as far as applicable shall apply thereto.

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## CHAPTER XVI.

### RULES OF PROCEDURE FOR THE RECOVERY OF FINES AND PENALTIES.

#### SECTION—

- 342. Before whom fine and penalty may be sued for.
- 343. The first proceeding, what.

#### SECTION—

- 344. No action to be dismissed for want of form.
- 345. When summons returnable.

## SECTION—

- 346. When warrant may issue.
- 347. How warrant shall be served ; every person entitled to trial within twenty-four hours.
- 348. How persons shall be arrested ; what statement to appear on docket ; what statement officer must make.
- 349. Bail.
- 350. When judgment may be entered.
- 351. Party who cannot go to trial for want of witnessess, to go to jail, if unable to give bail.
- 352. When application for continuance to be made.
- 353. Transcript.
- 354. When defendant fails to appear before Magistrate.
- 355. When a judgment of default may be set aside.
- 356. Attachments, when and how issued.
- 357. Depositions, how to be taken.
- 358. Attendance of respectable females, not necessary ; when.

## SECTION—

- 359. Process against the city to be served on the Mayor.
- 360. What the number of jurymen.
- 361. When officer kin of prosecutor, etc., who shall select jury.
- 362. Jurors to be sworn ; how.
- 363. The verdict, how it shall be returned.
- 364. When defendant acquitted, the prosecutor may be adjudged to pay cost.
- 365. When execution shall issue.
- 366. What witness fee allowed.
- 367. The laws of Illinois to govern police magistrates.
- 368. Before whom suits for the recovery of fines and penalties shall be instituted ; for what judgment shall be rendered.
- 369. May send persons convicted, if without money, to jail ; for what time ; or to work on the streets ; bond to pay fine within thirty days may be given.

SECTION 342. Whenever any fine, forfeiture, or penalty shall have been incurred for the breach of any of the ordinances of this city, the same shall be sued for before one of the police magistrates elected in and for the city, or before any court having jurisdiction thereof, in the form of an action of debt, in the corporate name of the city.

SEC. 343. The first proceeding in any such action shall be the filing with the police magistrate, or other court, by the city attorney, or person prosecuting in his stead, of a statement in writing as near as may be in the following form, which shall be the foundation of all subsequent proceedings in the action, to wit :

“ A. B., to The City of Cairo, *Dr.*,  
“ To —— dollars for a violation of Section No.— of  
Ordinance No.— of the City of Cairo.

C. D., *City Attorney.*”

SEC. 344. No action shall be dismissed for any defect of form in said statement, if the offense be substantially set forth so as to give the defendant notice of the charge which he is required to answer ; and such statement may include several persons charged

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with the same offense ; and upon such statement being filed, the police magistrate shall docket the cause in his docket, in the usual manner required by law, and may issue a warrant or summons, as the case may require.

SEC. 345. A summons so issued shall be made returnable in five days, and shall be served and returned in the same manner as such writs are made returnable by the laws of this State ; and the trial shall be had thereon the same day of the return of said writ, unless good and sufficient cause be shown for the continuance of the cause, which may be determined by the police magistrate in his discretion.

SEC. 346. Upon an affidavit being made before the police magistrate that any person has been guilty of a breach of any ordinance, specifying the same, the police magistrate may issue a warrant for the apprehension of the party accused, which warrant shall refer to the affidavit, and name the individual making the same, upon which said warrant is issued, and shall otherwise be in the form heretofore used in such proceedings.

SEC. 347. Such warrant shall be served by arresting the body of the defendant, and taking him forthwith before one of the police magistrates, if during business hours ; and every person so arrested shall be entitled to a trial within twenty-four hours from the time of his arrest, (except when Sunday shall intervene,) unless good cause for continuance be shown, or the trial is postponed from unavoidable circumstances, and the officer making the arrest may keep the defendant in custody by committing him to the city jail until the trial.

SEC. 348. No summons or warrant shall issue against a person who may have been arrested and brought before a police magistrate without warrant, in any case where such arrest is authorized ; but the police magistrate or other court shall enter upon his docket the fact and cause of his arrest, and by whom made ; and the officer making the arrest shall return to the police magistrate a written statement of the cause, time, and place of arrest.

SEC. 349. Any person in the custody of the city officers, for a violation of any ordinance, may be admitted to bail by executing a

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bond to the city, with sufficient security, to be approved by the police magistrate, in double the amount of the penalty for the offense charged, conditioned that he will appear upon a day therein named, before the police magistrate, and answer the accusation for which he has been arrested, and not depart the court without leave, which bond shall be attested by the police magistrate, and a note thereof shall be entered upon his docket.

SEC. 350. If the defendant fail to appear according to the condition of the bond, or, appearing, shall depart the court without leave, the police magistrate shall enter up judgment against him and his securities for the penalty of said bond and all costs.

SEC. 351. A party in custody who cannot be tried because of the absence of witnesses or other cause, and who cannot give bail for his appearance, may be confined in the city jail not exceeding three days, and in such case the police magistrate shall deliver to the officer making the arrest a commitment, stating the cause of the detention.

SEC. 352. Applications for continuances must be made when the suit is called up for trial, and at no other time, unless by agreement between the parties, with the approbation of the police magistrate.

SEC. 353. In all cases of appeal, the police magistrate shall make out and certify a full transcript of the proceedings had in such suit, as the same is recorded in his docket.

SEC. 354. When a defendant, duly summoned, fails to appear at the time the suit is set for trial, the police magistrate shall hear and examine the testimony offered on the part of the city, and shall render the judgment by default against the defendant for such amount under the ordinance as he may deem justice to require.

SEC. 355. Judgments by default, rendered under the preceding section, may be set aside by the police magistrate, and a new trial granted within ten days after the rendition: *Provided*, the defendant shall, within ten days, make application and show good cause for such setting aside; and provided he shall pay all the costs which have accrued, unless he prove, to the satisfaction of the

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police magistrate that he was prevented by unavoidable circumstances from attending the trial.

SEC. 356. The police magistrate may issue attachments to compel the attendance of witnesses who have been duly summoned, and may punish for contempts in like manner as justices of the peace are authorized to do by the laws of this State.

SEC. 357. Depositions taken in conformity with the laws of this State, may be read before the police magistrate, on any trial for the recovery of penalties, where the witness is dead, or absent by reason of sickness, old age, or bodily infirmity, or absent from the city without collusion of the party offering said deposition, or where both parties agree in any case to the reading thereof.

SEC. 358. The attendance of respectable females before the police magistrate, as witnesses on the part of the city, shall not be compelled against their inclination, if they are willing to give their deposition, unless their personal appearance in court is essential to the ends of justice, in the opinion of the police magistrate or other court; and where the testimony of such is wanted by any defendant, and they are not willing to appear in court, and do not object to give their testimony in writing, the city attorney shall attend at their residence when so notified to do by the defendant, and cross-examine on the part of the city, and the depositions of all such persons, legally taken, shall be received and read in evidence on any trial before the police magistrate.

SEC. 359. All notices and process which it may be necessary, in any suit before a police magistrate, to serve on the city, shall be served on the mayor, or the person acting in his stead.

SEC. 360. A jury before the police magistrate's court, in suits to which the city is a party, shall consist of six persons, unless the parties agree to a less number, or unless the laws of the State require a jury of twelve.

SEC. 361. When the officer acting in the case is of kin to the prosecutor or defendant in a suit, or the defendant or prosecutor shall file an affidavit that the said officer is so prejudiced against him that justice may not be done in the selection of the jury, the police magistrate shall issue a venire to some disinterested person

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who, before executing the same, shall be sworn faithfully and impartially to execute it ; and who shall, for its execution, receive the same compensation that is allowed to the city officers for a similar service.

SEC. 362. Jurors shall be sworn or affirmed to the matter in issue between the parties, and a true verdict to give according to law and evidence ; and persons jointly accused shall have a separate trial, if they demand it, before the jury is impaneled, or the trial gone into.

SEC. 363. The verdict of the jury shall be in either of the following forms as near as may be : "We, the jury, find the defendant not guilty as alleged against him," if they find the defendant to be not guilty ; "We, the jury, find the defendant guilty as alleged, and assess against him a fine of —— dollars," if they find the defendant guilty ; the verdict in either case to be signed by all the jurors.

SEC. 364. When a defendant is acquitted, the informant or prosecutor may be adjudged to pay the cost, if it appears to the police magistrate that the prosecution was instituted vexatiously or maliciously, or without just or probable cause.

SEC. 365. Upon the rendition of a judgment against any defendant for the violation of any ordinance of the city, the police magistrate shall forthwith issue an execution directed to one of the city officers, which shall be returnable, and shall be in the same form and otherwise governed by the same regulations as are executions issued by justices of the peace under the laws of this State : *Provided*, however, the police magistrate may order the defendant to be committed to the city jail, or put him under the care of the street commissioner, until such fine and costs due on such execution shall be liquidated by confinement in such jail, or worked out on the street under any ordinance of the city ; and the officer shall, in his return, express how said execution was satisfied.

SEC. 366. Witnesses summoned in any suit before the police magistrate, and attending at the trial, shall be entitled to fifty cents for each day's attendance ; to be recovered of the party convicted.

SEC. 367. The police magistrate and city officers, in all matters

pertaining to the duties of their respective offices, in judicial proceedings, and concerning which there is no specific provision made by ordinances of the city, shall be governed by the laws of the State of Illinois, relating to the proceedings of justices and constables ; and in all civil suits, the forms and proceedings required by the laws of this State of justices and constables, shall be observed by said officers.

SEC. 368. All suits brought for the recovery of fines, penalties or forfeitures, shall be brought or instituted before either of the police magistrates elected for the city of Cairo, or other court having jurisdiction thereof, and in all cases where judgment is rendered against the defendant or defendants, judgment shall be rendered for the costs of suit, as well as for the fine, penalty or forfeiture.

SEC. 369. In all cases where fines and penalties are now imposed and authorized to be collected by the city ordinances, as punishment for violation thereof, the court or magistrate before whom conviction may be had may, and he is hereby authorized, in addition to the fines and penalties now imposed to imprison the person so convicted in the city jail for such period not exceeding six months in each case, as such court may deem just and proper; and may also make it a part of the judgment of the court, that persons so convicted be required to labor for such period as they may be imprisoned, on the streets, avenues, roads, improvements or public works in the city, and that the labor to be performed by persons convicted under the city ordinances, shall be performed under the direction of the mayor or police magistrate of the city, either of whom is hereby authorized to make such arrangements with any public officer, or other persons, for working them upon any public works, as they or either of them may deem expedient: *Provided*, that any person or persons against whom judgment shall be rendered for the violation of any ordinance of the city, for a pecuniary fine, may release himself or themselves from custody, by entering into a recognizance, with good and sufficient security to be approved by the officer rendering said judgment, in double the amount of such judgment, fine and costs, payable within thirty days from the rendition of such judgment.

## CHAPTER XVII.

## SEAL.

## SECTION 370. What shall be City Seal.

SECTION 370. The seal of the city shall be in a circular form, with the words "of the City of Cairo, Illinois," and the figures "1857" in the exterior circle, and the word "SEAL" in the center, surrounded by an appropriate vignette, (representing the corn and other rich products of [Egypt] Southern Illinois,) and shall be used as such seal in all cases that have or shall hereafter be provided for by law or the ordinances of the city, and in all other cases in which by law and custom it is usual and necessary for the corporation to use a seal.

## CHAPTER XVIII.

## STREETS AND SUPERVISORS.

## SECTION—

- 371. Who shall labor on streets.
- 372. Street Supervisor, how appointed.
- 373. What shall be his duty; to give notice that labor will be required.
- 374. How notice shall be given.
- 375. Supervisor to keep a list of persons notified.
- 376. To labor eight hours diligently.
- 377. Neglect to work or pay; liable to an action for.
- 378. In what money street labor shall be paid.
- 379. Percentage of Supervisor.

## SECTION—

- 380. No person to remove earth from streets; penalty.
- 381. No one allowed to deposit lumber, etc., on public street so as to obstruct travel.
- 382. Duty of police in relation to this chapter.
- 383. No vegetable matters to be placed, where; penalty.
- 384. Rules in relation to levee plank road.
- 385. No candy stands, etc., to be kept on streets or sidewalks; penalty.

SECTION 371. For the purpose of keeping the streets and avenues in repair, every male inhabitant of said city, between the ages of twenty-one and fifty years, shall be and they are hereby required to labor on the streets and avenues of the city three days in each year, under direction of such officer as the city council may direct, or in lieu of such labor pay the sum of three dollars in current funds.

SEC. 372. There shall be appointed by the city council an officer of the city, to be called supervisor of streets, whose duty it shall be to attend to the collection of the street tax, and such other duties as may be devolved upon him by the city council.

SEC. 373. The supervisor of streets shall, on the first Monday of April in each year, or as soon thereafter as he may be directed by the city council, proceed to notify all the male inhabitants of the city from whom street labor can be required, to attend at such time and place and with such implements as he may designate, for the purpose of performing the labor necessary in the repair of such of the streets as require it.

SEC. 374. The said notices shall be printed or in writing, and shall be given at least three days before the day on which the laborers are required to work, and shall be served personally or by leaving them at the usual place of abode of the person required to labor.

SEC. 375. The supervisor of streets shall keep a list of the persons notified, the date of the notification, and the amounts paid in lieu of labor, and by whom; and to all persons who shall personally or by another, and shall diligently labor the three days required of him, or any part thereof, the supervisor of streets shall give a receipt, either in full or in part, for the street tax of that year.

SEC. 376. All persons laboring on the streets shall be required to labor with reasonable diligence eight hours in each day; and if any person working on the streets or avenues, in conformity with the notice aforesaid, shall refuse to execute work in the manner directed by the city engineer or person in charge, he shall not be entitled to receive any credit for street tax, but shall be reported to the city attorney for prosecution as one of those failing or refusing to work.

SEC. 377. If any person who neglected or refused to labor on the streets, after being notified as aforesaid, shall fail to pay to the supervisor of streets or the city treasurer the sum of three dollars, in the legal currency of the United States, on or before the last day on which he was required to labor as above specified, he shall

be liable to the city in an action for the recovery thercof ; and the supervisor of streets shall, immediately upon the expiration of the three days during which labor was to be performed, furnish a list of all such delinquent persons to the city attorney, who shall thereupon institute suit against such delinquents for the respective amounts due from them.

SEC. 378. All moneys received by the supervisor of streets in lieu of street labor, shall be paid by him, in legal currency, into the city treasury, on or before the first Monday in each month ; and at each monthly stated meeting of the city council, said supervisor shall make report of his receipts and expenditures and work for the previous month, which report shall contain the names of the persons laboring on the streets, and of persons making payment in lieu thereof.

SEC. 379. The supervisor of streets shall receive ten per cent. of all moneys collected by him in lieu of street labor, to the amount of \$3,000, and twenty per cent. on all sums over that amount.

SEC. 380. No person or persons or body corporate shall, in any manner, remove or cause to be removed any earth from any of the avenues or streets of the city, or remove earth from one part of a street to another, or public grounds within the corporate limits of the city of Cairo, without having first obtained leave from the city council to do so ; and every person or persons or body corporate offending against the provisions of this chapter, shall forfeit and pay to the city of Cairo a sum not less than ten dollars nor more than fifty dollars for each and every offense : *Provided*, the hauling and carrying away of each load and each parcel, and each other separate removal of earth, shall be considered and taken as a distinct and separate offense.

SEC. 381. It shall not be lawful for any person to place or deposit on any of the streets or avenues of the city, so as to obstruct the same, any timber, wood, lumber, coal, brick, stone, or other materials ; and every person violating the provisions of this section shall forfeit and pay, for the use of the city, a sum not less than ten dollars nor more than one hundred dollars, for each and every offense : *Provided*, builders may occupy half of the street

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with their building materials, where they are engaged in erecting buildings, and provided, also, where persons are engaged in unloading or loading railroad cars, they may occupy half the street with freight while so engaged.

SEC. 382. It shall be the duty of the police constables, or other police officer on duty in the day-time, to observe infractions of this chapter, and to notify the proper parties to remove the obstructions on the streets or avenues. If said obstructions are not removed within twenty-four hours after notice has been given as above, it shall be the duty of the said police constables, or other officer, to remove, or cause to be removed, the same to some convenient place, and to require the owner or owners, or person who placed or deposited the obstructions, to pay the expense of said removal. If such person cannot be found, or refuses to pay such expense, it shall be lawful for said policeman to sell the said property causing such obstruction, or any portion thereof, for cash to the highest bidder, after having given two days' notice of the time and place of such sale, by posting up notices in three public places in said city. After deducting costs and charges for his trouble, at the rate of five dollars per day while engaged in removing and selling the same, the officer shall pay the balance into the city treasury.

SEC. 383. It shall not be lawful for any person or persons to place or deposit, or cause to be placed or deposited, on any of the streets or avenues of the city, or any of the wharves or levees of the city, any decayed vegetable or animal matter, or any matter of offal liable to decay; and every person or persons violating the provisions of this section, shall forfeit and pay to the city a sum not less than ten nor more than fifty dollars for each and every offense.

SEC. 384. It shall not be lawful for any person to deposit upon the plank road, upon Levee street, materials of any description that will obstruct the passage of vehicles, to a greater width than eight feet; nor shall any dray, wagon, or other vehicle, stand upon said plank road, except while engaged in loading or unloading, for a greater length of time than ten minutes; and every person violating either of the provisions of the preceding section, shall forfeit and pay not less than three dollars nor more than five dollars.

SEC. 385. It shall not be lawful for any person or persons to erect and maintain, keep or cause to be erected, maintained or kept, any showcase, table, stand, or structure, for the purpose of selling fruits, candies, nuts, cigars, cutlery, provisions, or merchandise, on any of the streets or sidewalks in the city of Cairo; and every person violating the provisions of this section shall forfeit and pay for the use of the city not less than ten nor more than fifty dollars for each offense and every day that he, she or they shall so maintain or keep, or cause to be maintained or kept, any such showcases, tables, stands, or other structure, for the purpose aforesaid. The keeping, having, or maintaining of any such showcase, table, stand, or other structure, or causing or procuring the same to be done, shall be *prima facie* evidence of a violation of the provisions of this section.

## CHAPTER XIX.

### SIDEWALKS AND CROSSWALKS.

#### SECTION—

- 386. How sidewalks shall be constructed.
- 387. By whom ordered; at whose expense.
- 388. Person under whose direction sidewalk built, to report accurately the cost.
- 389. Publication of the amount for which

#### SECTION—

- each lot is liable; what publication to state.
- 390. Chapter XV. as far as applicable to apply.
- 391. When sidewalk ordered, what notice clerk to give.
- 392. When side and crosswalks not built, Street Committee to have them constructed.

SECTION 386. Sidewalks hereafter constructed in any of the streets of the city, shall be constructed in the following manner, viz.: They shall be six feet wide on the top, except on streets or avenues one hundred feet wide, where they shall be seven feet wide, the head or top covering to be of pine, poplar or white oak, two inches in thickness, and not more than ten inches in width, to be laid crosswise with the sidewalk, and firmly set and well spiked on to white or burr oak stringers, of not less than three inches thick by six inches wide, which stringers are to be firmly set and well spiked on, with at least six twentypenny nails in each board, to

three white or burr oak stringers of not less than three inches thick by six inches wide, which stringers are to be firmly set and well spiked on to white or burr oak sills, not less than three inches wide by six inches thick, placed at intervals of six feet crosswise to said sidewalks, these sidewalks, at street crossings, to be extended into the streets till they meet the crosswalks. The crosswalks, or street crossings should be composed of not less than four by twelve inch oak plank, thirty feet in length, on streets one hundred feet wide, and twenty feet long on other streets. All sidewalks and crosswalks, excepting those on Levee street, and in the cross streets leading from Levee street to Commercial avenue, shall be laid to the grade now established, as the grade of the streets of the city, and where it is necessary to elevate the sidewalk to bring it to the grade thus established, it may be so elevated by means of trestle work. The posts of the trestlework shall be of white or burr oak, four inches square, sunk in the ground two feet and anchored by a board two feet long by eight inches wide, nailed on to said posts. When the sidewalk is elevated above the ground the sills or cross ties and stringers shall be placed on edge, the cross ties or sills gained or morticed into the posts and well spiked on, and the stringers notched on to the cross ties. Where the trestlework is over three feet high the posts shall extend two feet six inches above the sidewalk, and a hand rail nailed on them.

SEC. 387. The construction of all side and crosswalks shall be ordered by the city council, and when so ordered, said side and crosswalk may be constructed by, and under the direction and superintendence of such person or persons as the city council or street committee may select, and the expense of constructing and repairing said sidewalks and crosswalks shall be paid by the owners or holders of the lots or part of lots fronting thereon, and the cost of the crosswalks shall be paid by owners of lots on each side of said crosswalk, to the extent of half a block on each side, an equal portion on each lot; and the costs of constructing the same may be assessed and collected, after said sidewalks and crosswalks are built as provided for by this chapter and as may be designated by the city council or street committee.

SEC. 388. When ordered as above, if not otherwise ordered by the city council or street committee, the person under whose direction and superintendence the construction or repairs of any sidewalk and crosswalk shall be placed by the city council or street committee, shall keep an accurate account of the cost of such sidewalk built or repaired in front of each separate lot, and he shall, as soon as the same may be completed, report such costs to the city council, with a description of the lot in front of which said sidewalk is built or repaired, and the name of the owner thereof, if known. If a sidewalk shall be built or repaired in front of several contiguous lots, and the exact cost of each cannot be ascertained, he shall apportion the cost equitably, as near as may be, to each lot.

SEC. 389. When the costs and expenses of constructing or repairing any sidewalk in front of any lot shall be thus reported to the city council, and examined and approved by them, the city clerk shall, without delay, cause to be published in the newspaper publishing the ordinances of the city, a list of the lots in front of which sidewalks have been built or repaired, and the cost for which each lot is liable, and the publication for three weeks of such list and costs shall be deemed a sufficient and legal notice and demand to all parties interested in regard to the matters referred to. The said publication shall require the payment to the city treasurer, within thirty days after the first publication of the notice of the amount so expended on such sidewalk, and if such payment be not made within said thirty days, the city treasurer shall make out a list of such delinquent lots, stating the amounts unpaid (if any) on account of the money expended for the construction or repairs of the sidewalk or crosswalk, whereupon the city council shall make an order directing the city assessor and collector to apply for a judgment to the county court of Alexander county against such delinquents, and shall proceed to sell the premises as delinquent lands are sold for taxes under the State laws.

SEC. 390. Except as herein otherwise provided for, the provisions of chapter XV., entitled "Revenue," so far as they are applicable, shall regulate and govern the collection of, and in all

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proceedings in reference to assessments of taxes for defraying the expenses of construction or repairs of sidewalks.

SEC. 391. When sidewalks are ordered by the city council to be constructed as provided by section four of this chapter, it shall be the duty of the city clerk to give four weeks' notice of such order by publication in the newspaper publishing the ordinances of the city, and for forty days after the first day of such publication the owner or occupant of lots fronting on such proposed sidewalks shall have the right and privilege to construct such portions of said sidewalks as may be in front of his, her, or their lots, the same to be constructed under the direction of the city engineer, and to be in accordance with the city ordinances.

SEC. 392. If sidewalks which have been ordered by the city council to be constructed, shall not be so constructed by the owners or occupants of lots fronting on the same, within the time specified in the preceding sections, and be received and accepted by the city engineer, the street committee shall proceed to have said side and crosswalk constructed as hereinbefore provided.

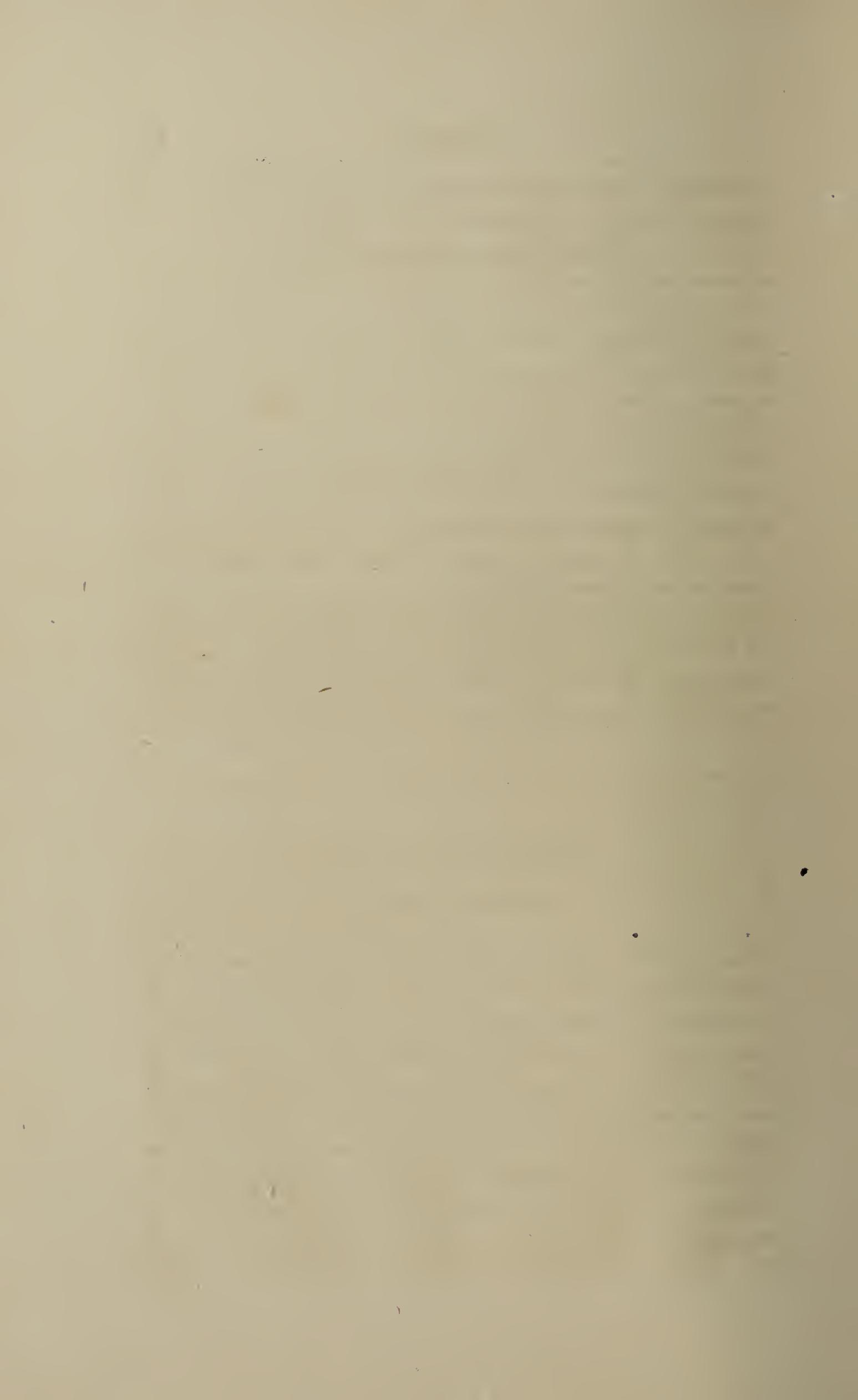
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## CHAPTER XX.

### SAVING CLAUSE.

#### SECTION 393. Saving Clause.

SECTION 393. All ordinances or parts of ordinances inconsistent with the provisions of the ordinance herewith printed and now adopted, are hereby repealed: *Provided*, however, that such repeal shall in no wise affect or invalidate any act done, right and obligation accrued, offense committed, penalty incurred, or prosecution or proceeding commenced, before the date of the publication hereof, but that all such acts, rights, obligations, offenses, penalties, prosecutions and proceedings shall be and remain in the same condition, and of the same force, in all respects, as if this ordinance had not been passed.



## PART THIRD.

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## APPENDIX.

### ELECTION LAWS.

#### AN ACT TO PROVIDE FOR ASCERTAINING THE QUALIFICATIONS OF VOTERS AND TO PREVENT FRAUDULENT VOTING.

WHEREAS, The right of suffrage is the highest privilege of the citizen, and should be guarded with proper vigilance against intrusion and fraud: for the purpose, therefore, of ascertaining the persons who may be entitled to vote at the several elections held under the laws of this State, and to prevent illegal voting thereat:

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

SECTION 1. That to constitute residence, under the constitution and election laws of this State, a permanent abode is necessary; and all elections, general or special, held in any town, city, district or ward, every person offering to vote who is not personally known to the judges and inspectors of election to have such permanent abode and to have resided in such election district for the space of sixty days immediately preceding such election, shall, if his vote be challenged, take the oath now required by law, and in addition thereto swear or affirm to his place of residence, specifying the particular place and house in which he resides, and stating how long he has there resided, and his business or employment; and if he has not resided in such house for sixty days immediately preceding such election, he shall state where and in what house he has resided for the last sixty days; and, in addition thereto, such voter so challenged shall be required to produce two witnesses, both of whom are personally known to said judges of said election and resident in the precinct, district or ward, or shall be proved by some legal voter or voters of the precinct or district in which such vote is offered to be voted therein, who shall be known to said

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judges, and each of whom shall take the following oath, to be administered by one of the judges of such election:

“I do solemnly swear, (or affirm, as the case may be), that I am a resident of this election district and entitled to vote at this election, and that I have been a resident of this election district for one year last past, and that I am well acquainted with the voter whose vote is now offered; that he is an actual and *bona fide* resident of this election district, and that he has resided in this State for one year last past.”

SEC. 2. If any judge of any election shall permit any voter to vote, whose vote is so challenged, without the proof required in the first section of this act, or shall knowingly and willfully permit any person to testify as a witness contrary to the provisions of this act, he shall be deemed guilty of high misdemeanor, and, on conviction thereof, shall be fined in the sum of one thousand dollars and imprisoned in the county jail for six months.

SEC. 3. If any witness or voter, whose vote is so challenged, and sworn under the provisions of this act, shall, knowingly, willfully and corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof, imprisoned in the penitentiary for any time not less than three nor more than twenty-one years.

SEC. 4. If any person shall vote more than once at any election held under the authority of the laws of this State, or shall vote at any such election, who is not a qualified voter at the place where he so votes, or shall offer to vote after having once voted at such election, he shall, on conviction thereof, be confined in the penitentiary for any term not less than one nor more than five years.

SEC. 5. At all elections, general or special, in this State, where the vote is by ballot, if the judges of election are satisfied, under the provisions of this act and the other laws of this State relating to elections, that the person offering the vote is a legal voter, he shall indorse on the back of the ticket offered, the number corresponding with the number of the voter on the poll book, and put said ticket immediately in the ballot box, and the clerks of the election shall enter the name of the voter and his number in the poll book.

SEC. 6. At the close of the polls the poll books shall be signed by the judges and attested by the clerks; the names therein contained shall then be counted, and the number set down at the foot of the poll books.

SEC. 7. After the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer or officers to whom by law they are required to return the poll books, and shall be delivered, together with said poll books, to said officer or officers, who shall carefully preserve said ballots

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for six months, and at the expiration of that time shall destroy them ; and in all cases of contested election, the parties contesting the same shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses for the purpose of such contest ; but said ballots shall only be so examined and referred to in the presence of the officer having the custody thereof.

SEC. 8. The provisions of this act shall apply to all general and special elections hereafter held in this State, whether for general, town, municipal or other officers ; and no person shall be considered, under any circumstances, as having a residence in any ward or election district or precinct, unless he shall have had a permanent abode therein for at least thirty days immediately preceding such election.

SEC. 9. No liquor or other intoxicating drinks shall be sold or given away, at retail, nor shall any bar room or place where liquor or intoxicating drinks are sold at retail be open upon such election day ; and it shall be the duty of the sheriff, constable, public officers and magistrates to see that the provisions of this section are enforced ; and any violation of its provisions shall be prosecuted and punished in the same manner and to the same extent as the keeping of tippling houses open upon Sunday, or the first day of the week, is now punished by law.

SEC. 10. This act shall take effect and be in force from and after its passage.

APPROVED, February 22, 1861.

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AN ACT FOR THE REGISTRY OF ELECTORS AND TO PREVENT  
FRAUDULENT VOTING.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly :*

SECTION 1. That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges or inspectors of elections in any town, city, or ward, or other election district or precinct, in this State, (except the moderator of the town meeting in towns adopting township organization,) shall constitute a "board of registry," for their respective towns, cities, wards, districts, or precincts, and shall meet on Tuesday, three weeks preceding any state, county, city, or town election, (except "town meetings" in towns adopting the township organization law,) at nine o'clock A. M., and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in the election district of which they are judges or inspectors ; which list, when completed, shall constitute and be known as the "register of

electors" of said election district; and said board may continue their session, for the purpose of making said list, two days, if necessary: *Provided*, that at the last election in said district, prior to said meeting, the number of votes cast in said district exceeded two hundred.

SEC. 2. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged, according to their respective surnames, so as to show, in one column, the name at full length, and in another column, in cities, the residence, by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said board to enter in said lists the names of all persons, residing in their election district, whose name appears on the poll list kept in said district at the last preceding election; in cities the number of the dwelling and name of the street or other location, if the same shall be known to or can be ascertained by such board; and for this purpose, said board are authorized to take from the office in which they are filed, the poll lists made and filed by the judges or inspectors of such district at the election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll list who have died, or removed from the district, shall be omitted from said register. The said board shall complete, as far as practicable, the said register on the day of their meeting aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town clerk of the town in which said election district may be; but in counties not adopting township organization, said list shall be filed with the judges or inspectors of election of the proper district, or if such election district is in a city, then it shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who shall take down, tear down, or deface any list so posted, shall be deemed guilty of misdemeanor, and shall be punished by a fine of fifty dollars, or by imprisonment in the county jail for the term of sixty days, or by both fine and

imprisonment. The board may, in their discretion, cause printed copies of said list to be posted up in such places as they may direct, and may cause the same to be published in some newspaper in the county in which such district is situated, at an expense not exceeding one cent for each name on said list.

SEC. 3. In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or town, the judges or inspectors of the election in the new district thus formed may make their registry of electors on the day prescribed by this act, in such manner as a majority of them may direct, and for that purpose may make a list, or cause to be made, a certified copy of the poll list or lists of the districts in which such new district is situated, or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made, as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

SEC. 4. The said board shall again meet on Tuesday of the week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting, and completing said lists, and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock P. M. of that day, and the day following; and in other districts they shall meet at nine o'clock in the morning, and remain in session until four o'clock P. M. of that day.

SEC. 5. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said board in relation to corrections or additions to said register. One of the lists so kept by the judges or inspectors, as aforesaid, shall be used by them on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

SEC. 6. It shall be the duty of said board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved, by the oath of two legal voters of said district, to the satisfaction of said board, to be non-resident of said district, or otherwise not entitled to vote in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said lists, shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and

shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or either of them, or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges or inspectors as now provided in case of persons offering to vote at an election, and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

SEC. 7. After said lists shall have been fully completed, the said board shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the town clerk of towns, and in the office of city clerks in cities; and one of which copies shall be delivered to each of said judges or inspectors. It shall be the duty of the said judges or inspectors so receiving such lists, carefully to preserve the said lists for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any state, county, town or city election in this State, except at town meetings in towns adopting the township organization law, if the name of the person offering to vote be not on the said register, made on the Tuesday or Wednesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers his vote, that he knows such person to be an inhabitant of the district, and if in any city, giving the residence of such person within said district. The oath may be administered by one of the judges or inspectors of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges or inspectors of the proper district. Any person may [be] challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.

SEC. 8. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each

person voting, the same statement or minute as hereinbefore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite the name of each person not registered, the words "not registered." In cities, every elector, at the time of offering his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof. And the clerks of the polls, in case the name of such elector is not registered, shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such an elector shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail in the county for a period of ten days, or by both such fine and imprisonment.

SEC. 9. After the canvass of the votes, one of said poll lists and said register so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed in the town or city clerk's office (as the case may be) in which said district may be, or in case there be no such clerk then such poll lists and register shall be filed with and preserved by the judges or inspectors to be used by the board of registry in making the list of voters at the next election; and the other of said poll lists and registers, so kept and checked, (except in town and city elections,) shall be returned to the office of the county clerk of the county in which said district may be, at the same time the returns of the election are made.

SEC. 10. The said board may, if necessary, on the day or days of the making and of the corrections of such lists, appoint a clerk to assist them in the discharge of their duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls or of elections.

SEC. 11. The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

SEC. 12. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for judges or inspectors of election, for each day actually employed in the making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees.

SEC. 13. The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges or inspectors of elections for preserving order on election days; and vacancies in said board shall be filled in the same manner that vacancies are now filled at elections.

SEC. 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished, for each and every offense, by imprisonment in the state prison for not less than one year. All intentional false swearing before said board of registration shall be deemed willful and corrupt perjury, and on conviction, punished as such. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

SEC. 15. An act entitled "An act to prevent illegal voting at elections," approved February 21, 1861, and an act entitled "An act to provide for ascertaining the qualification of voters, and to prevent fraudulent voting," approved February 22, 1861, be and the same are hereby amended by striking out the words "*sixty days*" in said acts wherever the same occur, and inserting in the place thereof, the words "*thirty days*."

SEC. 16. Section five of an act entitled "An act to provide for ascertaining the qualifications of voters, and to prevent fraudulent voting," approved February 22, 1861, shall be construed so as to require the number to be indorsed by the judges or inspectors of election on every ballot cast, and in all elections, general or special, in pursuance of any law of this State. After the opening of the polls no adjournment shall be had, nor shall any recess be taken until all the votes cast at such election shall have been counted and the result publicly announced: *Provided*, that judges and inspectors of elections shall each be allowed the sum of two dollars for each and every days' service by them performed under the requirements of this act.

SEC. 17. The secretary of state shall cause this law to be printed in pamphlet form, with suitable forms and instructions for carrying it into effect, together with the general election law of the State, and a sufficient number of copies thereof sent to each county clerk in every county in this State to supply each of the officers named in this act with a copy. And it shall be the duty of each of said clerks to immediately transmit a copy of the same to each of the judges or inspectors of election in his county.

SEC. 18. The necessary blanks for making the registers required

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by law shall be prepared by the secretary of state, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

SEC. 19. Nothing contained in this act shall be construed in any manner to affect the provisions of any act that has been or may be passed at the present session of the general assembly, to enable the qualified electors of this State, absent therefrom, in the military service of the United States, in the army or navy thereof, to vote.

SEC. 20. This act shall be in force from and after its passage.  
APPROVED February 15, 1865.

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## EVIDENCE.

### EXTRACT FROM CHAPTER XL., ENTITLED "EVIDENCE AND DEPOSITIONS."—*Revised Statutes of 1865.*

SECTION 9. Copies of all papers, books, or proceedings, or parts thereof, appertaining to transactions in their corporate capacity of any town or city heretofore incorporated, or now incorporated, or that may hereafter be incorporated, under a general or special law of this State, certified to be true copies by the clerk, or the keeper of the same, under the seal of said town or city, or under the private seal of said clerk or keeper, if there be no public seal—the said clerk or keeper also certifying that he is intrusted with the safe keeping of the originals of which he gives certified copies—shall be received as *prima facie* evidence of the facts so certified, in all the courts of this State, in any suit or proceeding pending before them.

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## ILLINOIS CENTRAL RAILROAD.

### (EXTRACT FROM CHARTER.)

SECTION 21. The corporate authorities of any city or cities on the line of said road, or branches, or at either terminus thereof, or any owner or owners of property in any such city, or any association of citizens duly authorized by any such corporation, shall have power to lay down or construct a track or railroad, along any of

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the streets of any such cities, for the purpose of conveying property to and from said railroad, which may be consigned to any of the warehousemen in any of said cities; that said track, or railroad (under the direction of said company), may intersect the track of said railroad company at or near the main depot in said cities, respectively; and said company shall, at all times, permit the owners or consignees of property in such cities to take the cars containing the property to them consigned, to their respective warehouses upon said track: *Provided*, that any car so taken shall be returned without any unnecessary delay; and provided further, that whenever it shall be necessary, for the convenience of the public, or persons receiving or sending property by said railroad, the said company shall permit side-tracks to intersect their main road at any depot on or along the line of said road; and that such persons shall be entitled to have any property taken from such side-tracks, under the directions and regulations of said company, without unreasonable delay; and for the non-performance by said company of any act of this proviso required to be done, said company shall forfeit and pay to the party aggrieved the sum of fifty dollars, in each case, to be recovered in an action of debt, before any justice of the peace, or any court having jurisdiction thereof.

APPROVED, February 10, 1851.

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#### JUDGMENT ON TAX LIST.

SECTION 1. That in all cases where taxes assessed on real estate by the corporate authorities of any city or town in this State, except in the city of Chicago, are not paid within the time fixed by the corporate authorities of any such city or town, it shall be lawful for the collector of any such city or town, after giving notice of such application by advertisement, at least thirty days previously to such application, in some newspaper published in said town or city, or if no newspaper should be published in said town or city, then by posting up printed or written notices of such intended application, in at least four of the most public places in such town or city, to apply to the county court of the county in which such delinquent real estate may be situated, and cause judgment to be entered against such delinquent real estate for the amount of taxes due and unpaid and costs. And the said county court shall proceed to hear and determine said application, and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect, as though said delinquent list

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had been returned to the county court by the sheriff or collector of the county, in the collection of state and county taxes. And the county court shall issue its precept or order to the collector of said city or town, directing him to sell said real estate at public auction, to pay said delinquent taxes and costs: *Provided*, that the corporate authorities of such towns or cities shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into full effect; and provided, further, that the corporate authorities of any town or city shall have power to fix the time of such application to the county court, and the time of sale of such real estate.

SEC. 2. In all cases where assessments have heretofore been made, or where assessments may hereafter be made, by the corporate authorities of any town or city in this State, on any lot or real estate in such town or city for the purpose of improving any street, sidewalk or alley in front of such lot or real estate, or for any purpose whatever, either by ordinance, resolution or other proceeding, and such assessment is not paid within the time fixed by the order, resolution or ordinance making such assessment, the corporate authorities of the several towns and cities in this State may apply to the county court of the proper county for judgment against said lot or real estate for the amount of said assessment and costs; and the county court, on such application being made, shall render judgment against such lot or real estate for the amount of said assessment and costs, and shall issue its precept to the sheriff of the proper county, commanding him to sell said lot or real estate, or so much thereof as may be necessary to pay said judgment and costs, in the same manner and with like effect as if sold upon execution at law; and the corporate authorities of the several towns or cities shall have full power to provide by resolution or ordinance for the making or levying any such assessment, and they shall have full power to fix the time of payment, and the kind and time of notice of such assessment, and of the said application to the county court; and the corporate authorities of any town or city shall have full and complete authority to adopt any rule, regulation or proceeding which they may deem necessary to carry the provisions of this section into full and complete effect.

SEC. 3. This act to take effect from and after its passage.

APPROVED, March 1, 1854.

## POLICE MAGISTRATES.

## AN ACT FOR THE BETTER GOVERNMENT OF THE TOWNS AND CITIES, AND TO AMEND THE CHARTERS THEREOF.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

SECTION 1. That there shall be established in each of the cities of this State, inferior courts of civil and criminal jurisdiction, which shall [be] called police magistrates' courts.

SEC. 2. That there shall be elected in each of the incorporated towns and cities of this State, the population of which shall not exceed six thousand, an officer who shall be styled police magistrate of the city of \_\_\_\_\_, or town of \_\_\_\_\_, as the case may be; in each city of this State having a population of over six thousand and not exceeding twelve thousand, there shall be elected two police magistrates; and in the cities of this State whose population shall exceed twelve thousand, there shall be elected three police magistrates. Said magistrates shall be elected by the legal voters of such city or town at the next regular election for city or town officers, and every four years thereafter.

SEC. 3. Said police magistrates, when elected, shall be commissioned and qualified in the same manner as justices of the peace are, and shall have in their respective counties the same jurisdiction, powers and emoluments as other justices of the peace in this State; and they shall also have jurisdiction in all cases arising under the ordinances of their respective towns and cities, and for any breaches thereof, where the amount claimed shall not exceed one hundred dollars; and in all cases arising under the ordinances of towns and cities, said magistrate shall be entitled to the same fees as justices of the peace now are for similar services, and to be collected in the same manner: *Provided*, the city or town authorities of any such town or city may make such additional allowance to such police magistrates as they may deem just and expedient; and in all cases arising under the ordinances of any such town or city, change of venue shall be allowed from one police magistrate to another, in cities where there is more than one such magistrate, and in all other towns and cities from such police magistrate to the nearest justice of the peace, to be applied for in the same manner, and granted on the same conditions and in the same manner as changes of venue from justices of the peace now are.

SEC. 4. The rules of practice and proceeding before such police magistrate shall conform to the practice and proceedings before justices of the peace, except in cases where such rules of practice

and proceeding shall be changed or modified by the charter of such town or city; in which case, such rules of practice and proceedings shall conform to the said charters.

SEC. 5. The city marshals of such towns or cities, and all constables of the county in which said town or city may be situated, and all the town or police constables of such towns or cities respectively, shall be and are hereby authorized to execute all process and orders issued or made by said police magistrates in their respective counties.

SEC. 6. Appeals shall be allowed from the decision of police magistrates in all cases, to be applied for and taken in the same manner that appeals from justices of the peace may be taken.

SEC. 7. This act to take effect and be in force from and after its passage.

APPROVED February 27, 1854.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE BETTER GOVERNMENT OF TOWNS AND CITIES, AND TO AMEND THE CHARTERS THEREOF," APPROVED FEBRUARY 27, 1854.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

SECTION 1. That all police magistrates, when elected, shall severally hold their offices for the term of four years, and until others are elected and qualified; and in case of the death, resignation, or removal from the town or city of any of the said police magistrates, their offices shall be deemed thereby vacated, and such vacancies shall be filled by special elections for that purpose, notified and conducted in the same manner as is now provided by law for special elections for justices of the peace.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED February 15, 1855.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE BETTER GOVERNMENT OF TOWNS AND CITIES, AND TO AMEND THE CHARTERS THEREOF," APPROVED  
FEBRUARY 27, 1854.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

SECTION 1. That so much of said act as requires the officers therein named to be elected at the elections of officers for said towns and cities for the year A. D. 1854, be and is hereby so amended, that in those towns and cities where they failed to elect said officers in the said year 1854, they may elect them at the elections to be held therein for said officers in any subsequent year.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED February 15, 1855.

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TOWNS AND CITIES.

SECTION 1. That any incorporated town or city in this State may have power to provide by ordinance that every person against whom any judgment may hereafter be recovered in favor of said town or city for a penalty or fine for a breach of any ordinance, instead of being committed to jail, may be required to labor on the streets until the whole fine and costs shall be paid, at the same rate per day as may be allowed as a forfeiture for a failure to perform street labor under the direction of the street commissioner.

SEC. 2. The corporate authorities of any city or town in this State may have power to declare what shall be a nuisance, and to prevent and remove the same as much as one-half mile beyond the limits of the corporation; with full power to impose a fine for a violation of any ordinance to that effect.

SEC. 3. Whenever it may be necessary to pave or grade any street or front lots, or to fill up or alter any lot that may be declared to be a nuisance, said corporate authorities may have power, upon the failure of the owner of any lot to pave, grade or fill up said lot, or to pay the taxes or fine that may be assessed on the owner or owners thereof, to require that said lot, or so much thereof as may be necessary, shall be sold for the payment of the tax or fine and

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costs in the manner authorized for the collection of other taxes, and all assessments so made shall constitute a lien on said lot.

SEC. 4. The corporate authorities of all towns and cities incorporated under chapter twenty-five, entitled "*Corporations*," of the revised code, or under any special act, shall have power to pass all the ordinances and by-laws, and possess all the powers authorized under the laws and amendatory acts incorporating either of the cities of Springfield or Quincy: *Provided*, that towns containing a population of less than fifteen hundred white inhabitants, shall have no other officers, or allow any other compensation than is allowed under chapter twenty-five of the revised code, unless expressly authorized by law.

SEC. 8. The inhabitants of any town or city, in the corporate name, may purchase, receive and hold real estate beyond the limits as [of] the corporate limits, for the purpose of burying-grounds.

SEC. 9. Whenever the corporate authorities of any town or city may wish to have the taxes, authorized to be levied under and by virtue of their respective charters, or under the general act, upon filing a certificate of the rate authorized under the authority of the said corporation in the office of the clerk of the county court, it shall be the duty of the collector of taxes for the State and county to collect the taxes for said town or city, upon the assessment of the value of all the property within the limits of said corporation, as ascertained by the assessment for State and county purposes, and enforce the payment thereof in the same manner, and with all the rights, power and authority as he has to collect State and county taxes, and shall pay the same over to the order of the corporate authorities at the same time he is required to pay over the county revenue; and the court of the proper county shall render judgment and order sale of any lot or tract for the non-payment of the tax and cost due said town or city, as is or may be provided for state and county taxes; and judgment and sale shall be rendered for the aggregate amount due for county, state and town, or city taxes. The collector shall receive the same compensation for collecting the taxes for any town or city, as is allowed for the collection of the state and county revenue, to be paid out of the funds of the corporation, and he shall be liable on his bond for the faithful performance of the duties required under this act.

SEC. 10. This act to take effect from and after its passage.

APPROVED February 10, 1849.

## WARRANTS.

## CHAPTER CVII.—REVISED STATUTES OF 1845.

SECTION 1. In all cases in which any city or town in this State shall be indebted to any person, or persons, on any account whatsoever, a warrant or voucher shall be drawn on the Treasurer of such city or town, for the whole amount found due to such person by the tribunal having power to audit and allow claims against such city or town; and such tribunal shall not, in any case, draw more than one warrant or voucher for the amount allowed to one individual at one time.

SEC. 2. No warrant or voucher, drawn on the Treasurer of any city or town, shall be drawn in favor of any other person than the one to whom the same may be due; and such warrant or voucher may be in the form now prescribed by law.

SEC. 3. No Treasurer of any city or town in this State shall pay any warrant or voucher drawn on him, unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or his assignee, or executor, or administrator.

SEC. 4. Any officer or officers of any town or city that shall be guilty of violating the provisions of this chapter, shall be deemed guilty of a misdemeanor in office; and for every such violation, shall be fined in a sum not exceeding five hundred dollars, to be recovered by indictment.

APPROVED March 3, 1845.

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